



SCS #1721



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RECORDS  
OF  
THE KIRK OF SCOTLAND,  
CONTAINING THE  
ACTS AND PROCEEDINGS

OF THE  
**General Assemblies,**  
FROM THE YEAR 1638 DOWNWARDS,  
AS AUTHENTICATED BY THE CLERKS OF ASSEMBLY;

WITH  
NOTES AND HISTORICAL ILLUSTRATIONS,

BY  
ALEXANDER PETERKIN,  
EDITOR OF "THE COMPENDIUM OF CHURCH LAWS," &c.

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## INTRODUCTION.

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THE object of the present work is to present to the public, in a form that may be generally accessible, the history of one of the most interesting periods in the annals of our National Church, by the republication of her Acts and Proceedings, at and subsequent to the era of her second Reformation; and, combined therewith, such historical documents and sketches as are calculated to preserve the memory of an important, and, ultimately, beneficial revolution in Scotland.

The Reformation from Popery—of which the seeds had been sown during the lapse of the half century which preceded the abolition of that system of national religion in 1560—forms the subject-matter of a distinct epoch, which has been amply illustrated in the works of Principal Robertson, Dr Cook, and Dr M'Crie, and which has been further developed more authentically in the pages of the "Booke of the Universall Kirke;" and it is not within the range of the present compilation to take any retrospect of the events which occurred in reference to the Reformed Church of Scotland, prior to the year 1633, when King Charles I. was crowned King of Scotland. It may be deemed sufficient to note merely, that Popery was abolished, by act of Parliament, on the 24th of August 1560, and the reformed doctrines recognised and tolerated by contemporary statute; that, in 1567, the Protestant Church was established and endowed; that the mixed Episcopal and Presbyterian form of Church government which subsisted during the first thirty-two years of its existence, yielded to the Presbyterian polity, which was established by act of Parliament on the 5th of June 1592; and that Episcopacy having been insinuated through the instrumentality of the General Assembly of the Church,\* in consequence of the intrigues of King James VI., became, though in a modified shape, the established form of the Protestant Church in Scotland, by virtue of various acts of Parliament.†

Such was the nature of the Established Protestant Church of Scotland when Charles I. ascended the thrones of both the British kingdoms, at the demise of his father, on the 22d of March 1625; and such

it continued to be up to the time that we have selected as the commencement of the period, to the illustration of which the following pages are devoted.

Along with his crown, Charles I. inherited from his father, a legacy of political and ecclesiastical bigotry, and a cluster of debateable questions betwixt him and his subjects, which, ere long, involved him in numberless embarrassments and conflicts, that terminated only with his life on the scaffold. In reference to Scotland, that which first brought him into collision with his northern subjects, was a project of resuming grants which had been lavishly bestowed by his father on his nobility and other minions (or which were usurped by them,) of the tithes and benefices that had belonged to the Popish Church prior to the Reformation. James himself had contemplated such a revocation before his death, and also the establishment of a Liturgy in the Scottish Episcopacy, recently introduced, and but imperfectly consolidated; but he wanted the courage to adopt the requisite measures for that purpose, which were calculated to rouse into active hostility the combined opposition of a fierce aristocracy, and of the Presbyterian clergy and people, who had been cheated out of their favoured scheme of church polity by the insidious manœuvres of James. The revocation was the first step taken by Charles in pursuance of his father's policy; and it was justified by precedents in the commencement of every new reign, during the previous history of Scotland. But the first attempt to accomplish this end proved abortive, and had nearly produced the most tragical consequences. It may be proper to advert briefly to these occurrences.

In October 1625, a Convention of Estates was held for the consideration of this interesting topic; but the proposition was rejected by nearly all the nobility and gentry, many of whom had profited from the plunder of the ecclesiastical patrimony; and Bishop Burnet\* gives a very characteristic anecdote of the proceedings on the occasion. The Earl of Nithsdale, as Commissioner, had been instructed to exact an

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\* 1597. † Dec. 19, 1597.—1606, c. 2. 1612, c. 1.

\* "History of his Own Times," p. 11 of imperial edition, 1837.



uneconditional surrender; but the parties interested had previously conspired, and resolved that, if they could not otherwise deter him from prosecuting the measure, "they would fall upon him and all his party, in the old Scottish manner, and knock them on the head;" and so deadly was their purpose, that one of their number, who was blind, (Belhaven,) and was seated beside the Earl of Dumfries, had elutched hold of him with one hand, and was prepared, had any stir arisen, to plunge a dagger in his heart. Nithsdale, however, seeing the stormy aspect of the conelave, disguised his instructions, and returned to London disappointed in his mission.

A convocation of the clergy, however, whose views were directed to a complete restoration of its aucient patrimony to the Church, and a large body of the landed proprietors, who had suffered from the rapacity of the Lords of Erection, and titulars, who had obtained the Church property and titles, were favourable to a revocation—animated by the hope that, in any new distribution of the revenues, a larger portion of these would fall to their lot from the royal favour than they could ever expect from the individual overlords and impropriators. These two classes, therefore, co-operated in supporting the views of the King, for a resumption of church property and tithes; and these movements resulted in the well known arbitration, by which his Majesty obtained a general surrender of the impropriated tithes and benefices, under which the law upon this subject was ultimately settled by the enactments in the Statute-book,\* leaving unavoidably an extended spirit of discontent among the disappointed parties in the most influential classes of the community.

One of the main objects of Charles' policy being thus partially accomplished, he proceeded to Scotland in the summer of 1633, for the purpose of being crowned in his native kingdom. His Majesty's progress and inauguration were distinguished by unwonted splendour, and he received a cordial welcome from his northern subjects; but some parts of the ceremonial gave deep offence to the Scottish people, as savouring strongly of Popish mummeries; and the morning of his reign was speedily overcast in Scotland, by a most unwise and obstinate assertion of the royal prerogative in some matters of the most ludicrous insignificance. In 1606, an act had passed in the Scottish Parliament, asserting the royal prerogative to an extravagant pitch; and another in 1609, by which King James VI. was empowered to prescribe apparel to the churchmen with the consent of the Church—a concession which had been made to gratify that monarch's predilections for all priest-like intermeddling with ecclesiastical affairs, and all sorts of trifling details. But these concessions had lain dormant during the remainder of his reign, and had never been acted upon; nay, when, in 1617, an act had been prepared by the Lords of Articles, authorizing all things that should thereafter be determined in ecclesias-

tical affairs by his Majesty, with consent of a competent number of the clergy selected by himself, to be law, he ordered that act to be suppressed in the House, although it had passed the Lords of Articles.

Charles, however, not sufficiently acquainted with the latent spirit of his Scottish subjects, ordered an act to be framed, soon after his coronation, embodying the enactments of both the statutes above alluded to, asserting the unlimited prerogative of the King in all matters, civil and ecclesiastical, and giving him power to regulate the robes and raiment of ecclesiasties. This was strenuously opposed by Rothcs, Balmerino, and a majority of the Estates, notwithstanding the personal presence of the King, and his domineering orders to them to vote and not to speak. By a juggle, however, the clerk-register (Primrose) reported the majority the other way—a falsity which could not be impugned without incurring the pains of treason; and so intent was Charles on coercing the Estates into this measure, that he marked on a list the names of all who had voted against his erotchet, and threatened them with his resentment.\*

These extraordinary and indecorous stretchcs of authority, excited the greatest alarm. The freedom of speech in Parliament, its independence, and the integrity of its record, were violated in a manner the most outrageous and inconsistent with all liberty or safety. The nobility held various consultations as to what was to be done in this juncture, and a petition to the King was drawn up and shewn to some of them—amongst others to Balmerino; but the King having declared that he would receive no explanation or remonstrance from them, the purpose was dropped. A copy of it however, with some corrections on it in Balmerino's handwriting, having been confided by him to a notary for transcription, it was treacherously conveyed to Charles, by Spottiswood, Archbishop of St Andrew's, some months afterwards. For this innocent and, according to modern notions, this constitutional exercise of the right of petition, or rather this intent to exercise it, Balmerino was put on his trial,† before a packed court and a packed jury, for *leasingmaking*, or an attempt to sow dissenion betwixt the King and his subjects—an offence of the most arbitrary construction, and certainly not overtly committed by Balmerino in this case. Seven of the jury were for acquittal—but eight, being a majority, found him guilty—and he was sentenced to a capital punishment.

This trial excited the deepest interest throughout the country, and its result produced consternation, and prompted to the most desperate counsels. It was proposed to force the prison and rescue Balmerino; or, if that failed, to kill the obnoxious judges and jurors, and burn their houses. But these perilous resolutions were obviated by Lord Traquair, one of the jury and a tool of the Court, representing to the King the consequences which were to be

\* Acts, 1637.

\* Acts, 1633, c. 3.

† 1634.



apprehended; and it was found expedient to grant Balmerino a pardon.\*

These were the first false steps of Charles in Scotland. They shook irretrievably the confidence of his subjects in his personal integrity, and in his reverence for the law and the purity of its administration; and the whole of these proceedings are eminently instructive, as evincing to what trivial circumstances, in some respects, convulsions and revolutions, of an extended and sweeping character, may often be ascribed as the source. It is exceedingly difficult now to estimate fully the motives of either party in these transactions. The Scottish Estates were not averse to yield the point of royal supremacy exacted by James and Charles; but when the latter claimed as his prerogative the power to regulate the draperies of the priesthood, it was vehemently resisted by parliament and people as an encroachment on their religious liberties. And to this paltry subject, which was more appropriate to a college of tailors than to the cabinet of a monarch or the arena of a senate, we may trace the first beginnings of that succession of revolutions which, for upwards of half a century afterwards, overflowed the land with torrents of blood and of tears.†

The arbitrary principles in which Charles had been trained by his father, were so deeply impressed on his character, that, though in other respects an able and amiable man, they were never eradicated from his mind by all his experience of their consequences. Prompted by the bigoted intolerance of Laud, surrounded by court sycophants, who sought favour by subserviency to his prejudices, and betrayed in Scotland by a set of the most unprincipled knaves, both lay and clerical, that ever were destined to mislead a sovereign into disgrace and destruction, Charles took not warning in his government from the lessons that had been taught him in the transaction to which we have thus briefly alluded; and he must needs enforce by coercion in Scotland that uniformity in religious ceremonials with the Episcopal Church of England, on which his father had bestowed so much of his royal wisdom.‡ His enterprises in this respect led to consequences which he little anticipated, and which terminated most fatally for his own authority and honour. We allude to his attempt to introduce the Liturgy and canons, which were concocted for the Church in Scotland, under the auspices of Archbishop Laud—an attempt which, within a very brief space after Balmerino's trial and sentence had excited universal alarm, rallied the whole population of Scotland under the banner of "THE COVENANT," in open resist-

ance to their throned monarch; presenting to our contemplation one of the most remarkable and sublime moral spectacles that is to be found in the history of ancient or modern times—an entire nation simultaneously banding themselves together, and leagued by solemn religious vows, for the vindication and maintenance of their liberties, civil and religious, yet cherishing and avowing their allegiance to their sovereign, except in so far as he exceeded his legitimate authority.

Before entering on the Proceedings and Acts of the General Assemblies of the Church from 1638 to 1649, which it is one of the objects of this work to preserve, it is necessary, for the elucidation of these, to detail the circumstances, political and ecclesiastical, (these being, in truth, identical,) which preceded that great demonstration of the national will and power, during the years 1636 and 1637; and, in doing so, the facts shall be as concisely stated as is practicable, amidst the great mass of materials which are supplied to the student of our history in the numerous works that treat of the period now referred to.\*

Early in the progress of the Scottish Reformation, the Lords of the Congregation had directed the "Book of Common Order," as it was called, which was used in the Protestant Church of Geneva, to be read in the religious service of the Scottish Reformers; and it was sanctioned by the Church in the "First Book of Discipline," among the first of its acts after the abolition of Popery.† Under this sanction, the "Book of Common Prayer" was appointed to be used by the Readers as a part of the public worship in the churches; and, so far as we can discover, it continued to be used, either as an essential part or, at least, as the model for prayer in public worship, during the fluctuations in the frame of the Church in the time of James VI. The Assembly at Aberdeen,‡ indeed, had ordered the Geneva form to be revised; but the vehement opposition made in the subsequent Assembly at Perth to King James' Articles, induced him to suspend his innovation.

Charles, however, a man of higher moral and personal courage than his father, and stimulated by the fanatical and semipopish zeal of Laud, had given instructions, during his recent visit to Scotland, for superseding the early Book of Order, and directed the introduction of Canons and a Liturgy similar to those of England. In order to deceive the Scotch into a belief that it was different, and to soothe the national pride, by eschewing the aspect of servile imitation as a mark of its dependence on the English hierarchy, the Scotch Prelates devised a new Liturgy, which was, in many points, and indeed in its leading features, much more Popish than that of England.

\* November 1635.

† Burnet, pp. 11—14. Burnet's account of these several proceedings, confirmed as it is by authentic records, seems entitled to the fullest credit; for it is taken from documents in his hands, which enabled him to give a genuine and unvarnished statement of the most minute particulars.

‡ See Neale's "History of the Puritans," a work of great research and value.

\* Clarendon, Baillie, Spottiswood, Burnet, Row, Guthrie, Calderwood, Kirkton, Melville; and, more recently, Hume, Laing, Cook, M'Crie, Aiton, &c.

† First Book of Discipline, c. iv. § 14; c. v. § 5.

‡ 1616.



The Canons were first compiled and confirmed by the Royal Supremacy. They comprehended whatever the Kings of Israel or the Emperors of the Primitive Church had arrogated; secured from challenge the consecration of the bishops; and added terror to excommunication, by annexing confiscation and outlawry as the penalties of incurring it. The Liturgy was sanctioned before it was actually framed. By it the clergy were forbidden to deviate from its forms, or to pray extemporaneously; the demeanour of the people in public worship was rigorously prescribed; kirk-sessions and presbyteries, as these were established by the act 1592, were abolished, under the new designation of "conventicles;" the powers of these were transferred to the bishops, and lay elders entirely superseded; and the whole texture and spirit of it was manifestly Popish, embodying, in almost undisguised terms, the form of the missals, and introducing every particular, both of doctrine and ceremonial, that was most obnoxious to the whole population, except the prelates, nine of whom, out of fourteen, had been introduced into the Privy Council, while Archbishop Spottiswood was created Chancellor, and Maxwell, Bishop of Ross, aspired to the office of Lord Treasurer—thus combining the highest spiritual with the highest political functions, and forming a conclave of despotism entirely subservient to the King.

The new order of things, therefore, was not a mere institution of Episcopacy, in which only spiritual jurisdiction was conferred, and different orders of clergy were established, as in England; but it was palpably a political engine, incompatible with the existence of civil liberty or freedom of conscience in matters of religion; and this innovation became universally obnoxious to the whole nation, by reason of its manifest revival of the practices and ritual of the Catholics. A font was appointed to be placed in the entrance of the church, the cross was enjoined in baptism, and the water was changed and consecrated in the font twice a month; an altar was appointed for the chancel; the communion table, decorated, was placed in the east, and the consecration of the elements was a prayer expressive of the Real Presence, and their elevation deemed an actual oblation. The confessions of the penitent were to be concealed by the clergy; and the whole contexture of this novel Liturgy was such, in conjunction with the Canons, as to effect a total subversion of all the principles cherished by the bulk of the nation from the date of the Reformation, and to overthrow the entire system of Presbyterian doctrine and discipline that had previously prevailed in the usages of the Church, and the law of the land.

It is noways surprising, therefore, that these innovations produced a tremendous revulsion throughout the country; and they were rendered still more offensive by the mode of their introduction—without the consent of a General Assembly of the Church or of Parliament, but solely by virtue of

the royal prerogative, and the authority of the prelates—the advice even of the Privy Council, and some of the elder prelates being entirely contemned. The alarm was sounded from the pulpits by a great majority of the parochial clergy, and pervaded, not merely the common people, but the gentry also, and, with few exceptions, all the ancient nobility of the realm: every man, whether valuing his religious principles, or his political liberty and safety, was appalled by the immediate prospect of an intolerant spiritual domination and civil tyranny being established in the land of his forefathers. "In short," as Dr Cook emphatically states, "the complete command of the Church was given to the bishops, and the kingdom was thus laid at the foot of the throne."\*

In this state matters continued from the time that these changes became known, in 1636, till the summer of 1637. At the same time, besides the Court of High Commission, each of the prelates obtained subordinate Commission-courts, which were, in all respects, so many local inquisitions; so that "Black Prelacy" was armed in Scotland with all the powers and terrors of the Popish Church anterior to its abolition. The prelates, however, were at first deterred, by well-grounded apprehensions, from the exercise of their late-sprung power. A general adoption of the Liturgy at Easter had been required by royal proclamation, but the day had elapsed before the publication of it took place; and it was not till May 1637 that a charge was ordered to be given to the clergy, that each of them should "buy and provide" two copies for his parish, under the penalty of escheat of his effects. The Council, however, had omitted in their edict to require the *adoption* and practice of these formularies, although, doubtless, the conjoint effect of these innovations was held to imply an imperative rule for the clergy. This looseness of phraseology, however, opened a door for the recusant clergy to evade the use of the new ritual, and paved the way for an eventual defeat of the prelates' schemes.†

On the 16th of July 1637, an order was intimated from the pulpit in Edinburgh, that, on the following Sunday, the Liturgy would be introduced; and this without the concurrence of the Privy Council or any previous arrangement for smoothing its reception. This notice excited great popular agitation, and brought the collision betwixt the court and prelates on the one side, and the country on the other, to a crisis. On Sunday following, (23d July,) the Dean of Edinburgh officiated in St Giles', and the Bishop elect of Argyle in the Greyfriars' church, each of them being attended by some of the Judges, Prelates, Members of Council, and other dignitaries, so as to give an imposing effect to the introduction of the obnoxious services. St Giles' church was crowded, and all went on with the wonted solemnity of public worship until the reading of the service commenced, when Janet Geddes, an humble

\* Hist. of Ch. of Scotland, vol. ii., p. 360.

† Balfour's Annals, vol. ii., p. 226, *et sequen.*



female, rose up and exclaimed, "Villain! daurst thou say the mass at my lug?" and, suiting the action to the word, she tossed the stool on which she had been sitting at the Dean's head. Forthwith, the assembled multitude broke out into such a tumult as (Baillie says) "was never heard of since the Reformation," exclaiming, "A Pape! a Pape! Antichrist!" and accompanying these expressions with a violent assault on the doors and windows, so as effectually to interrupt the service. In the other church, of Greyfriars, the performance of the service was attended with similar, though less violent demonstrations of popular hostility; and it was with difficulty that the officiating priests were rescued from the violence of the outraged multitude. The greatest excitement pervaded the city throughout the day; and in every quarter of the country where the Liturgy was attempted to be introduced, except at St Andrew's, Brechin, Dunblane, and Ross, it was resisted with similar manifestations of anger and disgust; and this popular effervescence was speedily extended from the lower to the higher ranks, betwixt which the most entire sympathy existed, although the latter adopted a more rational and effective mode of resistance.

It is beyond the range of these introductory remarks, to enter on all the details of procedure which took place from the first outbreak of this opposition till the meeting of the General Assembly of Glasgow, in November 1838. Of these, all the particulars are fully detailed in Lord Rothes' MS. Relation, in the Advocates' Library, Baillie's Letters, and other contemporary chronicles, and more recently in Mr Laing's and Dr Cook's Histories, and Dr Aiton's Life of Henderson—a man who, at that juncture, arose to great eminence, to guide his countrymen in their struggles, and to dignify their cause by the distinguished talents which in him were called forth and displayed on this occasion. It is sufficient for the present purpose to note a few of the more prominent facts and occurrences which hastened the movement and, ere long, prostrated the royal authority in Scotland.

Henderson, then minister of Leuchars, in Fife, and three other clergymen from the Presbyteries of Irvine, Ayr, and Glasgow, having been pressed by the prelatical authorities on the score of the Liturgy, presented, on the 20th of August, bills of suspension to the Privy Council, upon the grounds that the recent innovations were illegal, not being sanctioned by Parliament or the General Assembly, and as being in contravention to the Acts of Parliament and of the Church. The Council eluded these broad grounds, by finding that the edicts of which suspension was sought, did not require the *observance*, but only the *purchase*, of the new formalities; and the Council communicated with the King as to the dilemma in which both he and they were now placed. His Majesty, however, unmoved by these events, ordered the immediate observance of the ritual, (September 20,) and rebuked the tardiness of the

Council. But whenever this untoward resolution of the King was known, the four ministers, who were thus the foremost men in the contest, were joined and supported by twenty-four peers, a great many of the gentry, sixty-six commissioners from towns and parishes, and nearly one hundred ministers, who immediately poured in numerous petitions, remonstrating against the imposition of the Liturgy and Canons.\* These gave open demonstrations of their making common cause with Henderson and his associates, going in a body to the door of the Council House, in the High Street of the metropolis, with their remonstrances or petitions; and thus they sustained the four individuals who had been selected by the prelates for persecution. During the interval which elapsed before an answer was returned, the remonstrants busied themselves in agitating their grievances over the whole kingdom, and speedily organized one of the most formidable and best constructed oppositions to which any government ever was exposed.

It having been intimated that answers from Court to their remonstrances and petitions would reach Edinburgh on the 18th of October, great multitudes, from all parts of the country, flocked to the capital. The Privy Council were panic-struck, and issued proclamations, intimating that, at the first Council-day, nothing should be done relating to the Church; ordering all strangers to leave Edinburgh within twenty-four hours; removing the Council and Session from Edinburgh to Linlithgow, and afterwards to Dundee; and denouncing a book which had been published against the measures of the Court and Prelates. This brought matters to a crisis.

Having delivered the several applications with which they had been intrusted from the provinces to the Clerk of the Council, the noblemen, gentlemen, and clergy met in three different bodies; but they concurred in a general declaration against the obnoxious books, and ordered it to be presented to the Council. It were tedious enumerating all the proclamations by the King and Council, and the protestations against these by the nobles and clergy, and all the negotiations and intrigues which supervened—of these original documents, however, copies will be given in the notes subjoined to the Acts of Assembly in 1638; but it would savour of undue partiality to the proceedings of the malcontents, if we omitted to state that, during the whole of the period alluded to, many disgraceful outrages were perpetrated by the rabble, who, in the language of Baillie, seemed to be "possessed with a bloody devil," the authorities being utterly unprepared and unable to repress these disorders, at the very time that they were exciting the people of all classes by their lawless and inconsiderate edicts and tyrannical acts.

These mutual exasperations had reached the highest pitch, when, in February 1638, the Presby-

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\* Baillie, vol. i., p. 15.



terians assumed a bold and perilous attitude, amounting almost to a practical dereliction of their allegiance to the King, and an assumption of supreme authority. In order to avoid the large and tumultuary assemblages which had taken place during the preceding year, the Council had required that the supplications and communications should be managed by delegates and commissioners from the greater masses; and, accordingly, those persons acting in this capacity, under the sanction of the King's Council, had, in the preceding November, formed large and influential subdivisions of themselves into distinct bodies called "Tables," representing the different classes who were combined for the vindication of their religious liberties—one for the nobility, another for the gentry, a third for the clergy, and a fourth for the burghs. Committees of the most influential and zealous of each class, sat at four different tables in the Parliament House, having sub-committees, and a central one of the whole, devising and concocting such measures as they deemed necessary for promoting the common cause; thus centralizing the public feeling of the country, and again giving forth mandates from their united Councils, with all the force and authority of law, to the people, and superseding virtually the functions both of the Executive and Legislature of the country.

The most noted act of this anomalous Convention was the formation of a muniment, which was composed by Henderson and Johnston of Warriston, and revised by Balmerino, Rothes, and Loudon, and which was destined to be a powerful instrument in the hands of these national leaders. THE COVENANT was framed and promulgated at the time we refer to, and henceforward became the rallying standard of the nation, or, at least, of a great majority of its inhabitants, during the space of half a century, till a more benignant symbol of freedom was unfurled at the Revolution, under which the people of these realms have hitherto, since that time, enjoyed all the blessings of a limited monarchy, and institutions for the maintenance of the Protestant faith, and perfect freedom of conscience to all classes of the people.

The adoption and character of that remarkable League enter so deeply into the subject of the present undertaking, that, in order to render numerous subsequent proceedings intelligible to many persons, it is necessary to devote particular attention to it, and the circumstances under which it was promulgated.

The Earl of Traquair returned to Scotland, on the 15th of February, with instructions from the King in reference to the affairs of Scotland. He dissembled at first the full tenor of these, in his communications with the leaders of the Tables, and, on the 19th, proceeded, early in the morning, to Stirling, to publish the proclamation of which he was the bearer, before the Presbyterians should be apprized of his intentions, or prepared to offer any show of opposition. Lord Lindsay and Lord Hume, however, being apprised of Traquair's movements,

had outstripped him, and were on the spot to protest against its effects. The proclamation expressed the King's approval of the Liturgy; declared all the petitions against it derogatory to his supreme authority, and deserving the severest censure, and prohibited the supplicants to assemble again under the penalties of treason.\*

When this proclamation, which was calculated to excite their most gloomy apprehensions, and to extinguish all their hopes of the King ever listening to their remonstrances, was proclaimed by the heralds at Stirling, Lords Hume and Lindsay made formal protestation against it, claiming a right of access to the King by petition; declining the prelates as judges in any court, civil or ecclesiastical; protesting that no act of Council, past or future, (the prelates being members,) should be prejudicial to the supplicants, in their persons or estates; that the Presbyterians should not incur any danger in life or lands, or any political or ecclesiastical pains, for not observing the Book of Liturgy, Canons, Rules, Judicatories, and Proclamations; but that it should be lawful for them to worship God according to His Word and Constitutions of the Church and Kingdom, &c.; and it concluded with professions of loyalty, and a declaration that they only desired the preservation of the true reformed religion, and laws and liberties of the kingdom. A copy of this protestation was affixed to the Cross of Stirling. It was afterwards repeated at Linlithgow and Edinburgh, in the presence of seventeen Peers, and everywhere else where the proclamation was published.

In these critical circumstances, and in order at once to guard themselves from the perils which were sure to overtake them individually if severed, and exposed at once to the obstinate displeasure of the King and the revenge of the prelates, the nobles resolved to consolidate their union by a solemn engagement, such as those which had been entered into by the Lords of the Congregation and first Protestants, in the dawn and during the progress of the Reformation in its earlier stages.† The positions in which they stood were similar; and the example of the fathers and founders of the Protestant Church in Scotland, naturally prompted the Tables to imitation, independently of the ancient usage which existed in Scotland, of entering into "Bands" for mutual protection and support in troubled times. The model, however, which they had chiefly in view was a "Confession" framed under the auspices and instructions of King James VI., in which the errors of Popery were abjured, and to which there was subsequently added a bond, or obligation, to maintain the true religion, and protect the King's person, as well as for the general defence.‡ Taking that document as the basis and

\* Burnet's Mem. 33; Baillie, i. 30-4; Hardwick's State Papers, ii. 101.

† 3d Dec. 1557. 31st May 1559. 27th April 1560. *Vide* Knox.

‡ See Booke of the Universall Kirke, annis 1580-1590.



model of the Covenant, the leaders of the Presbyterians superadded to it an obligation to defend each other against all persons whatsoever, and a pointed denunciation of the innovations recently attempted to be forced upon the country.

For the course thus adopted, they had precedents in the conduct of the first Reformers—in that of King James himself, who had signed the “Confession,” and sought the signature of all his subjects—and in the terms of the early “bands” for mutual defence and maintenance of the reformed doctrines. Nor is it necessary to resort to any casuistry to justify the adoption of such an engagement. Dr Cook justly remarks, that the vindication of the Covenant is to be rested “upon this great principle, that when the ends for which all government should be instituted are defeated, the oppressed have a clear right to disregard customary forms, and to assert the privileges without which they would be condemned to the degradation and wretchedness of despotism.”\* That such was the predicament in which the Church and people of Scotland were placed, by the reiterated proclamations and edicts issued by the King and the Scots Privy Council for several years prior to February 1838, and that these amounted to an unqualified assumption of arbitrary and absolute power, paramount to the authority of Parliament, and the sanctions of the ecclesiastical authorities established by law, are points which do not admit of the slightest doubt; and no alternative remained but that the nobles, clergy, and people of Scotland, should combine, in the most constitutional manner that was practicable, for maintaining the law, and for mutual defence, or tamely submit their necks to the yoke which most assuredly would have been permanently imposed on them by the base misdeeds of a court, and an unprincipled hierarchy. Whatever errors they subsequently committed, and however much we may deplore the infatuation by which Charles was misled in urging his Scottish subjects into such decisive measures, no one who is versed in the elements of the British Constitution, or imbued with the spirit of genuine freedom, can hesitate to admit that, in adopting the Covenant, the people of Scotland were, at the time, not only fully justified, but were imperatively constrained to do so by every motive which can influence Christians, patriots, and brave men. The most eminent lawyers of these times, too, declared their opinions that there was nothing in the Covenant inconsistent with loyalty to a constitutional sovereign; nor has anything ever yet appeared, whether in the contemporary defences of the Court, or in the pages of more recent historians and critics, to shake the soundness of that opinion.

Deviating from the practice of historians, who merely give an abstract and brief statement of the contents of the Covenant, we deem it more suitable and convenient, in a compilation like the present, to embody in this Introductory Sketch the entire docu-

ment, as it appears in the authenticated records, and, therefore, have subjoined it, as deserving of the reader's attention, before proceeding to consider the events which followed its adoption.

THE  
**National Covenant ;**  
OR,  
**CONFESSION OF FAITH**  
OF THE  
**KIRK OF SCOTLAND.**

*“The Confession of Faith, subscribed at first by the King's Majesty and his Household, in the yeere of God 1580 ; thereafter by Persons of all ranks, in the yeere 1581, by ordinance of the Lords of the Secret Councell, and Acts of the Generall Assembly ; subscribed againe by all sorts of persons in the yeere 1590, by a new Ordinance of Councell, at the desire of the Generall Assembly, with a generall Band for maintenance of the true Religion and the King's person ; and now subscribed in the yeere 1638 by us, Noblemen, Barons, Gentlemen, Burghesses, Ministers, and Commons under subscribing, together with our resolution and promises, for the causes after specified, to maintaine the said true Religion, and the King's Majestie, according to the Confession foresaid, and Acts of Parliament. The tenor whereof here followeth.*

“WEE All and every one of us underwritten, Protest, That, after long and due examination of our owne Conscience in matters of true and false Religion, are now thoroughly resolved of the Truth, by the Word and Spirit of God, and, therefore, we beleeve with our hearts, confesse with our mouths, subscribe with our hands, and constantly affirm, before God and the whole World, that this only is the true Christian Faith and Religion, pleasing God, and bringing Salvation to man, which now is, by the mercy of God, revealed to the world by the preaching of the blessed Evangel.

“And received, beleeved, and defended by many and sundry notable Kirks and Realmes, but chiefly by the *Kirk of Scotland, the King's Majestie, and the Three Estates of this Realme*, as God's eternall Truth, and onely ground of our salvation ; as more particularly is expressed in the Confession of our Faith, stablished and publicly confirmed by sundry Acts of Parliaments, and now, of a long time, hath been openly professed by the King's Majestie, and whole body of this Realme, both in Burgh and Land. To the which Confession and forme of Religion wee willingly agree in our consciences in all points, as unto God's undoubted Truth and Verity, grounded onely upon his written Word. And, therefore, We abhorre and detest all contrarie Religion and Doctrine ; but chiefly all kinde of Papistrie,

\* Hist. of Ch. of Scot., vol. ii., p. 415.



in generall and particular heads, even as they are now damned and confuted by the *Word of God and Kirk of Scotland*; but, in speciall, we detest and refuse the usurped authoritie of that Roman Antichrist upon the Scriptures of God, upon the Kirk, the civill Magistrate, and Consciences of men; all his tyrannous lawes made upon indifferent things against our Christian libertie; his erroneous Doctrine against the sufficiencie of the written Word, the perfection of the Law, the office of Christ and his blessed Evangel; his corrupted Doctrine concerning originall sinne, our naturall inability and rebellion to God's law, our justification by faith onely, our imperfect sanctification and obedience to the law, the nature, number, and use of the holy Sacraments; his five bastard Sacraments, with all his Rites, Ceremonies, and false Doctrine, added to the ministration of the true Sacraments without the word of God; his cruell judgement against Infants departing without the sacrament; his absolute necessitie of Baptisme; his blasphemous opinion of Transubstantiation, or real presence of Christ's body in the Elements, and receiving of the same by the wicked, or bodies of men; his dispensations with solemn oaths, perjuries, and degrees of Marriage forbidden in the Word; his crueltie against the innocent divorced; his divellish Masse; his blasphemous Priesthood; his profane Sacrifice for the sins of the dead and the quick; his Canonization of men, calling upon Angels or Saints departed, worshipping of Imagerie, Relicks, and Crosses, dedicating of Kirks, Altars, Daies, Vowes to creatures; his Purgatorie, praiers for the dead; praying or speaking in a strange language, with his Processions, and blasphemous Letanie, and multitude of Advocates or Mediators; his manifold Orders, Auricular Confession; his desperate and uncertaine repentence; his generall and doubtful faith; his satisfactions of men for their sins; his justification by works, *opus operatum*, works of supererogation, Merits, Pardons, Peregrinations, and Stations; his holy Water, baptizing of Bels, conjuring of spirits, crossing, saning, anointing, conjuring, hallowing of God's good creatures, with the superstitious opinion joined therewith; his worldly Monarchie, and wicked Hierarchie; his three solempne vowes, with all his shavelings of sundry sorts; his erroneous and bloudie decrees made at Trent, with all the subscribers and approvers of that cruell and bloudie Band conjured against the Kirk of God; and, finally, we detest all his vain Allegories, Rites, Signs, and Traditions brought in the Kirk, without or against the Word of God, and Doctrine of this true reformed Kirk; to the which we joyne our selves willingly, in Doctrine, Faith, Religion, Discipline, and use of the Holy Sacraments, as lively members of the same in Christ our Head: promising and swearing, by the GREAT NAME OF THE LORD OUR GOD, that we shall continue in the obedience of the Doctrine and Discipline of this Kirk, and shall defend the same, according to our vocation and power, all the dayes of our lives, under the paines contained in the Law, and danger both of body and

soule in the day of God's fearfull Judgement; and seeing that many are stirred up by Satan and that Romane Antichrist, to promise, sweare, subscribe, and, for a time, use the Holy Sacraments in the Kirk deceitfully, against their owne consciences, minding thereby, first, under the externall cloake of Religion, to corrupt and subvert secretly God's true Religion within the Kirk, and afterward, when time may serve, to become open enemies and persecutors of the same, under vaine hope of the Pope's dispensation, devised against the Word of God, to his greater confusion, and their double condemnation in the day of the LORD JESUS.

"We, therefore, willing to take away all suspition of hypocrisie, and of such double dealing with God and his Kirk, Protest, and call THE SEARCHER OF ALL HEARTS for witnesse, that our minds and hearts do fully agree with this our *Confession, Promise, Oath, and Subscription*, so that we are not moved for any worldly respect, but are perswaded onely in our Consciences, through the knowledge and love of God's true Religion, printed in our hearts by the Holy Spirit, as we shall answer to Him in the day when the secrets of all hearts shall be disclosed; and because we perceive, that the quietnesse and stability of our Religion and Kirk doth depend upon the safety and good behaviour of the King's Majestie, as upon a comfortable instrument of God's mercy granted to this Country, for the maintaining of his Kirk, and ministration of Justice amongst us; we protest and promise with our hearts, under the same Oath, Hand-writ, and paines, that we shall defend his Person and Authority with our goods, bodies, and lives, in the defence of Christ his Evangel, Liberties of our Countrey, ministration of Justice, and punishment of iniquity, against all enemies within this Realme or without, as we desire our God to be a strong and mercifull Defender to us in the day of our death, and comming of our LORD JESUS CHRIST; to whom, with the Father, and the Holy Spirit, be all honour and glorie eternally.

"Like as many Acts of Parliament, not onely in generall doe abrogate, annull, and rescind all Lawes, Statutes, Acts, Constitutions, Canons, civill or Municipall, with all other Ordinances, and practicke penalties whatsoever, made in prejudice of the true Religion, and Professours thereof; or of the true Kirk discipline, jurisdiction, and freedome thereof; or in favours of Idolatrie and Superstition, or of the Papisticall Kirk: As Act 3, Act 31, Parl. 1, Act 23, Parl. 11, Act 114, Parl. 12. of King James the Sixt. That Papistrie and Superstition may be utterly suppressed, according to the intention of the Acts of Parliament, reported in Act 5, Parl. 20, K. James 6. And, to that end, they ordaine all Papists and Priests to be punished by manifold Civill and Ecclesiasticall paines, as adversaries to God's true Religion, preached and by law established within this Realme, Act 24, Parl. 11, K. James 6, as common enemies to all Christian government, Act 18, Parl. 16, K. James 6, as rebellers and gainstanders of our Sovereigne



Lord's authoritie, Act 47, Parl. 3, K. James 6, and as Idolaters, Act 104, Parl. 7, K. James 6; but also in particular, (by and attour the Confession of Faith,) do abolish and condemne the Pope's authoritie and jurisdiction out of this laud, and ordaines the maintainers thereof to be punished, Act 2, Parl. 1, Act 51, Parl. 3, Act 106, Parl. 7, Act 114, Parl. 12, K. James 6, doe condemne the Pope's erroneous doctrine, or any other erroneous doctrine repugnant to any of the Articles of the true and Christian Religion, publikely preached, and by Law established in this Realme; and ordaines the spreaders and makers of Books or Libels, or Letters, or writs of that nature, to be punished, Act 46, Parl. 3, Act 106, Parl. 7, Act 24, Parl. 11, K. James 6, doe condemne all Baptisme conform to the Pope's kirk, and the idolatry of the Masse; and ordaines all sayers, wilfull hearers, and concealers of the Masse, the maintainers and reseters of the Priests, Jesuits, traffiquing Papists, to be punished without any exception or restriction, Act 5, Parl. 1, Act 120, Parl. 12, Act 164, Parl. 13, Act 193, Parl. 14, Act 1, Parl. 19, Act 5, Parl. 20, K. James 6, doe condemne all erroneous books and writs containing erroneous doctrine against the Religion presently professed, or containing superstitious Rites and Ceremonies Papisticall, whereby the people are greatly abused, and ordaines the home-bringers of them to be punished, Act 25, Parl. 11, K. James 6, doe condemne the monuments and dregs of bygane Idolatrie, as going to Crosses, observing the Festivall dayes of Saincts, and such other superstitious and Papisticall Rites, to the dishonour of God, contempt of true Religion, and fostering of great error among the people, and ordaines the users of them to be punished for the secoud fault, as Idolaters, Act 104, Parl. 7, K. James 6.

"Like as many Acts of Parliament are conceived for maintenance of God's true and Christian Religion, and the puritie thereof in Doctrine and Sacraments of the true Church of God, the libertie and freedome thereof, in her Nationall Synodall Assemblies, Presbyteries, Sessions, Policie, Discipline, and Jurisdiction thereof, as that puritie of Religion, and libertie of the Church was used, professed, exercised, preached, and confessed, according to the reformation of Religion in this realme: As, for instance, Act 99, Parl. 7, Act 23, Parl. 11, Act 114, Parl. 12, Act 160, Parl. 13, K. James 6, ratified by Act 4, K. Charles. So that Act 6, Parl. 1, and Act 68, Parl. 6 of K. James 6, in the ycare of God 1579, declares the Ministers of the blessed Evangel, whom God, of his mercie, had raised up, or hereafter should raise, agreeing with them that then lived in Doctrine and administration of the Sacraments, and the people that professed Christ, as he was then offered in the Evangel, and doth communicate with the holy Sacraments, (as in the Reformed kirkes of this Realme they were presently administrate,) according to the Confession of Faith, to be the true and holy kirk of Christ Jesus within this Realme,

and discernes and declares all and sundrie, who either gainsayes the Word of the Evangel, received and approved as the heads of the Confession of Faith, professed in Parliament in the ycare of God 1560; specified also in the first Parliament of K. James 6, and ratified in this present Parliament, more particularly do specifie; or that refuses the administration of the holy Sacraments, as they were then ministrated, to be no members of the said kirk withiu this Realme, and true Religion presently professed, so long as they keepe themselves so divided from the societie of Christ's bodie: And the subsequent Act 69, Parl. 6, K. James 6, declares, That there is no other face of Kirke, nor other face of Religion, then was presently at that time, by the favour of God, established within this Realme, which, therefore, is ever stiled God's true Religion, Christ's true Religion, the true and Christian Religion, and a perfect Religion. Which, by manifold Acts of Parliament, all within this Realme, are bound to professe to subscribe the articles thereof, the Confession of Faith, to recant all doctrine and errors repugnant to any of the said Articles, Act 4 and 9, Parl. 1, Act 45, 46, 47, Parl. 3, Act 71, Parl. 6, Act. 106, Parl. 7, Act 24, Parl. 11, Act 123, Parl. 12, Act 194 and 197, Parl. 14, of K. James 6. And all Magistrates, Sheriffes, &c., on the one part, are ordained to search, apprehend, and punish all contraveeners; for instance, Act 5, Parl. 1, Act 104, Parl. 7, Act 25, Parl. 11, K. James 6. And that, notwithstanding of the King's Majestie's licences on the contrary, which are discharged and declared to be of no force, in so farre as they tend in any wayes to the prejudice and hinder of the execution of the Acts of Parliament against Papists and adversaries of true Religion, Act 106, Parl. 7, K. James 6; on the other part, in the 47 Act, Parl. 3, K. James 6, it is declared and ordained, seeing the cause of God's true Religion and his Highnesse Authority are so joyned, as the hurt of the one is common to both; and that none shall be reputed as loyall and faithfull subjects to our Sovereigne Lord, or his Authority; but be punishable as rebellers and gainstanders of the same, who shall not give their Confession, and make their profession of the said true Religion; and that they who, after defection, shall give the Confession of their faith of new, they shall promise to continue therein in time coming, to maintaine our Sovereigne Lord's Authoritie, and at the uttermost of their power to fortifie, assist, and maintaine the true Preachers and Professours of Christ's Religion, against whatsoever enemies and gainstanders of the same: and, namely, against all such of whatsoever nation, estate, or degree they be of, that have joyned and bound themselves, or have assisted, or assists, to set forward and execute the cruell decrees of Trent, contrary to the Preachers and true Professours of the Word of God, which is repeated word by word in the Articles of Pacification at Pearth, the 23d of February 1572, approved by Parliament the last of Aprill 1573, ratified in



Parlament 1578, and related, Aet 123, Parl. 12 of K. James 6, with this addition, That they are bound to resist all treasonable uproares and hostilities raised against the true Religion, the King's Majestie, and the true Professours.

"Like as all lieges are bound to maintain the K. Majestie's Royal Person and authority, the authority of Parlements, without the which neither any laws or lawful judicatories can be established, Aet 130, Aet 131, Par. 8, K. Ja. 6, and the subjects' liberties, who ought only to live and be governed by the King's lawes, the common lawes of this Realme allanerly, Aet 48, Parl. 3, K. James 1, Aet 79, Parl. 6, K. James 4, repeated in Aet 131, Parl. 8, K. James 6; which, if they be innovated or prejudged, the Commission anent the union of the two Kingdomes of Scotland and England, which is the sole Act of the 17 Parl. of K. James 6, declares such confusion would ensue, as this Realme could be no more a free Monarchie, because by the fundamentall lawes, ancient priviledges, offices, and liberties of this kingdome, not onely the Princely authoritie of his Majestie's royal discent hath bin these manie ages maintained, but also the people's securitie of their lands, livings, rights, offices, liberties and dignities preserved; and, therefore, for the preservation of the said true Religion, Lawes, and Liberties of this kingdome, it is statute by Act 8, Parl. 1, repeated in Act 99, Parl. 7, ratified in Act 23, Parl. 11, and 114 Act of K. James 6, and 4 Aet of K. Charles, That all Kings and Princees at their Coronation and reception of their princely authoritie, shall make their faithfull promise by their solemn oath in the presenee of the eternall God, that enduring the whole time of their lives, they shall serve the same eternall God, to the uttermost of their power, according as he hath required in his most holy Word, contained in the Old and New Testaments. And according to the same Word, shall maintain the true Religion of Christ Jesus, the preaching of his holy Word, the due and right ministration of the Sacraments, now received and preached within this Realme, (according to the Confession of Faith immediately preceeding,) and shall abolish and gainstand all false Religion, contrarie to the same, and shall rule the people committed to their charge, according to the will and command of God, revealed in his foresaid Word, and according to the lowable lawes and constitutions received in this Realme, no waies repugnant to the said will of the eternall God, and shall procure, to the uttermost of their power, to the kirk of God, and whole Christian people, true and perfit peace in all time comming; and that they shall be carefull to root out of their Empire all Heretiicks, and enemies to the true worship of God, who shall be convicted by the true kirk of God of the foresaid crimes; which was also observed by his Majesty at his Coronation in Edinburgh 1633, as may be seene in the order of the Coronation.

"In obedience to the commandement of God, conform to the practice of the godly in former times, and according to the laudable example of our worthy

and religious Progenitors, and of many yet living amongst us, which was warranted also by Aet of Councell, commanding a generall Band to bee made and subscribed by his Majestie's subjects of all ranks, for two causes: One was, for defending the true Religion, as it was then reformed, and is expressed in the Confession of Faith above written, and a former large Confession established by sundrie Acts of lawfull Generall Assemblies and of Parlament, unto which it hath relation set downe in publicke Catheehismes, and which had benee for many yeeres, with a blessing from heaven, preached and professed in this Kirk and Kingdome, as God's undoubted truth, grounded onely upon his written Word: The other cause was, for maintaining the King's Majestie his Person and Estate; the true worship of God, and the King's authoritie being so straightly joyned, as that they had the same friends and common enemies, and did stand and fall together. And, finally, being convinced in our minds, and confessing with our mouthes, that the present and sneeeding generations in this Land, are bound to keep the foresaid nationall Oath and subscription inviolable, Wee Noblemen, Barons, Gentlemen Burgesses, Ministers, and Commons under subscribing, considering divers times before, and especially at this time, the danger of the true reformed Religion, of the King's honour, and of the publicke peace of the Kingdome, by the manifold innovations and evils generally contained and particularly mentioned in our late supplications, complaints, and protestations, doe hereby professe, and, before God, his Angels, and the World, solemnly declare, That, with our whole hearts wee agree and resolve all the daies of our life constantly to adhere unto, and to defend the foresaid true Religion, and forbearing the practice of all novations already introduced in the matters of the worship of God, or approbation of the corruptions of the publick Government of the Kirk, or evill places and power of Kirkmen, till they bee tryed and allowed in free Assemblies, and in Parlements, to labour by all meanes lawfull to recover the purity and libertie of the Gospel, as it was established and professed before the foresaid novations: And because, after due examination, we plainly perceive, and undoubtedly beleve, that the Innovations and evils contained in our Supplications, Complaints, and Protestations have no warrant of the Word of God, are contrary to the Articles of the foresaid Confessions, to the intention and meaning of the blessed Reformers of Religion in this Land, to the above written Acts of Parlament, and doe sensibly tend to the re-establishing of the Popish Religion and tyranny, and to the snbversion and ruine of the true Reformed Religion, and of our Liberties, Lawes, and Estates. We also declare, that the foresaid Confessions are to bee interpreted, and ought to be understood of the foresaid novations and evils, no lesse then if everie one of them had benee expressed in the foresaid Confessions; and that wee are obliged to detest and abhorre them, amongst other particular heads of



Papistrie abjured therein. And, therefore, from the knowledge and conscience of our dutie to God, to our King and countrey, without any worldly respect or inducement, so farre as humane infirmities will suffer, wishing a further measure of the grace of God for this effect, We promise and sweare, by the GREAT NAME OF THE LORD OUR GOD, to continue in the Profession and Obedience of the foresaid Religion: That we shall defend the same, and resist all these contrarie errors and corruptions, according to our vocation, and to the uttermost of that power that God hath put in our hands, all the dayes of our life: And, in like manuer, with the same heart, we declare before God and Men, That wee have no intention nor desire to attempt anything that may turne to the dishonour of God, or to the diminution of the King's Greatnesse and authoritie: But, on the contrarie, wee promise and sweare, that wee shall, to the uttermost of our power, with our meanes and lives, stand to the defence of our dread Sovereign, the King's Majestie, his person and authoritie, in the defence and preservation of the foresaid true Religion, Liberties, and Lawes of the Kingdome: As, also, to the mutuall defence and assistaunce, everie one of us of another in the same cause of maintaining the true Religion, and his Majestie's authoritie, with our best counsell, our bodies, meanes, and whole power, against all sorts of persons whatsoever. So that, whatsoever shall be done to the least of us for that cause, shall be taken as done to us all in generall, and to everie one of us in particular. And that wee shall neither directly nor indirectly suffer ourselves to be divided or withdrawn by whatsoever suggestion, combination, allurements, or terrour, from this blessed and loyall conjunction, nor shall cast in any let or impediment that that may stay or hinder any such resolution, as by common consent shall be found to conduce for so good ends. But, on the contrarie, shall, by all lawfull meanes, labour to further and promote the same; and if any such dangerous and divisive motion be made to us by word or writ, wee, and everie one of us, shall either suppress it, or, if need be, shall incontinent make the same known, that it may bee timeously obviated; neither do we feare the foule aspersions of rebellion, combination, or what else our adversaries, from their craft and malice would put upon us, seeing what we do is so well warranted, and ariseth from an unfained desire to maintaine the true worship of God, the majestie of our King, and the peace of the Kingdome, for the common happinesse of ourselves and posteritie. And because we cannot look for a blessing from God upon our proceedings, except with our profession and subscription we joyne such a life and conversation, as beseemeth Christians, who have renewed their Covenant with God; Wee therefore faithfully promise, for ourselves, our followers, and all others under us, both in publicke, in our particular families and personall carriage, to endeavour to keep ourselves within the bounds of Christian libertie, and to be good examples to others

of all Godlinesse, Sobernesse, and Righteousness, and of everie dutie we owe to God and Man. And that this our Union and Conjunction may bee observed without violation, we call the living God, the Searcher of our Hearts, to witnesse, who knoweth this to be our sincere Desire, and unfained Resolution, as wee shall answer to JESUS CHRIST in the great day, and under the paine of God's everlasting wrath, and of infamie, and of losse of all honour and respect in this World. Most humble beseeching the LORD, to strengthen us by his Holy Spirit for this end, and to blesse our desires and proceedings with a happie success, that Religion and Righteousness may flourish in the land, to the glorie of God, the honour of our King, and peace and comfort of us all. In witnesse whereof we have subscribed with our hands all the premisses," &c.

After much deliberation, and the reconciliation of many scruples of conscience and difficulties among the various classes of Presbyterians, this elaborate and solemn compact and vow was publicly promulgated, and, for the first time, sworn in Edinburgh, on the 28th of February 1638.\* An immense concourse of spectators assembled in the Greyfriars' church and churchyard, at an early hour, on the morning of that day; and at two o'clock, Rothes and Loudon of the nobility, Henderson and Dickson of the clergy, and Johnston, their legal adviser, arrived with the Covenant ready for signature. Henderson began the solemnities of the day with prayer, and Loudon followed in an oration of great courage and power; after which, about four o'clock, the Earl of Sutherland was the first to step forward and inscribe his name on the Covenant; and he was immediately followed by Sir Andrew Murray, a minister at Abdy in Fife, and all who were within the church; after which it was laid out on a flat gravestone in the churchyard, and signed, till the parchment was full, by persons of all ranks, sexes, and ages, with uplifted hands, and consecrated by solemn invocations to heaven, and with such demonstrations of enthusiasm as it is difficult, in these latter times, to imagine. It was a day, as piously and eloquently described by Henderson, in which the people in multitudes offered themselves to the service of Heaven "like the dew drops in the morning"—"wherein the arm of the Lord was revealed"—and "the Princes of the people assembled to swear allegiance to the King of kings."

These impressive proceedings did not terminate till nine o'clock in the evening; but the next day copies

\* Both Mr Laing and Dr Cook say it was the 1st of March, (on the authority, perhaps, of Guthrie and Stevenson,) but Rothes' Relation, and the minutes of the subsequent Assembly, shew that it was in February. It is much to be regretted that Burnet, Baillie, and other chroniclers, and even later historians, are not sufficiently attentive to dates; and this carelessness in chronology often occasions great perplexity, and leads to much confusion of events in their narratives.



of the Covenant were laid open through the city and signed, with very few exceptions, by all the people. They were transmitted through all the provincial towns and parishes; and, unless, by a few at St Andrew's, Aberdeen, and Glasgow, the Covenant was hailed with mingled emotions of devotion and patriotism, such as, perhaps, never either before or since pervaded any nation with such simultaneous unanimity. Its spirit spread far and wide over the land like fire over its heath-clad hills, penetrating the shadows which brooded in the firmament; and, as the fiery cross was wont to be the signal for array in feudal strife, it summoned the sons of the hill and the dale to prepare their swords, should these be needed, for combat in a holier cause—subduing, with unexampled power, the hereditary feuds of hostile clans, and combining the whole nation into one mighty phalanx of incalculable energy.

It is unnecessary, in this place, to trace all the turnings and windings of the tortuous policy by which, after this decisive demonstration of physical, as well as of moral strength, King Charles and his abettors endeavoured, for some months, to break down this great combination. Every variety of intrigue, and every artifice for procrastination, was employed to divide the Covenanters, and quell the spirit which had thus been evoked by his arbitrary proceedings; and the duplicity of Charles, in holding forth terms of accommodation, while he was preparing to crush Scotland by force of arms, is a fact fully demonstrated by many documents of unquestionable authenticity, which leaves one of the deepest stains that still rest on the memory of that misguided and unfortunate monarch. On one occasion when the Marquis of Hamilton came from Court, on a pretended amicable mission as the King's Commissioner, he was received at his entrance by 60,000 of his Majesty's Scottish subjects, including nearly all the nobility, gentry, and 600 clergymen, in a body, whose line extended from Musselburgh to the outskirts of the Metropolis; presenting a spectacle which moved the Commissioner even to tears, and drew from him a wish that his monarch had but witnessed such a host of his subjects, seeking only the enjoyment of their civil and religious liberties.

After many ineffectual attempts, by intimidation and artifice, to dissolve this league, and to break asunder the ties by which the Covenanters were bound together—after issuing new proclamations for the enforcement of the Liturgy, and the rotten Episcopacy of Scotland, and again in trepidation recalling these—after attempting, by a revival of the Covenant and Confession of the former reign, with hollow and equivocal terms intermixed with it, to counteract the National Covenant—and, after essaying to beguile the Covenanters by couceding to them a General Assembly of the Church and a Parliament, fettered, however, with such conditions as would have rendered these but a repetition of the corrupt and packed assemblages which, from 1606 to 1618, inclusive, had, under the management of

his father, subverted the law of the land and the liberties of the Church—Charles was at length constrained to bow before a spirit which he could neither quell nor conquer. Hamilton, after various journeys betwixt the Court and Scotland, at last arrived at Dalkeith on the 15th of August; and, after anxious consultations with the Privy Council during several days, that body, with the royal sanction, at length abandoned the policy which he had endeavoured to enforce, and two acts were proclaimed—the one indicting a General Assembly at Glasgow on the 21st of November following, and another summoning a Parliament to be held at Edinburgh on the 15th of May 1639; and, at the same time, a declaration by the King was proclaimed, discharging the use of the Service Book, Books of Canons, High Commission, and Articles of the Perth Assembly—ordaining free entry to ministers, and subjecting the bishops to the jurisdiction of the General Assembly. A sort of amnesty also was passed, and a fast appointed to be held, on the fourteenth day before the Assembly, for a peaceable end to the distractions of the country.\*

And thus the people of Scotland achieved a vindication of their laws and liberties, without one human life being sacrificed, or one drop of blood being shed; and, after years of deep dissimulation, was Charles constrained, by a great national confederacy, to yield in the end, all that his subjects had required at his hands as their sovereign. The conflict, however, was not yet terminated, and it continued, with many varieties of fortune, through future years. But the purpose for which the preceding narrative has been given being attained, it would be premature to prosecute these historical details further at present. Such a preliminary statement, however, appeared to be necessary, in order to clear the way for the Proceedings of the first General Assembly of the Church which had taken place during the long space of thirty-six years; for, although there had been six nominal assemblies during that interval,† these were so overborne by royal interference, and illegal and unwarrantable intrusions, that they were all essentially illegal, and were afterwards held to be null and void for ever.

In bringing the Proceedings of the Assembly 1638, under the reader's notice, it is deemed expedient to do so by embodying in these pages a very interesting account of the meeting of the Assembly, from the Journals of Principal Baillie, who was a member of it, and whose volumes, referable to those times, are considered of the highest authority by all succeeding historians. His account of the Assembly, up to the time that the Court was constituted by the election of a Moderator and Clerk, is all that is meant to be given in this place.

“Notwithstanding the indiction,” says Baillie, “our hopes were but slender ever to see the downsit-

\* Vide these in Notes upon the Assembly 1638.

† 1606, 1608, 1610, 1616, 1617, 1618.



ting of our passionately-desired Assembly with the Commissioner's consent ; for daily he found himself more and more disappointed in his expectation to obtain these things which it seems he put the King in hopes might be gotten. Episcopacy to be put in place of safety, above the reach of the Assembly's hand, was now seen to be impossible, if his engines for this purpose, by the skill of his party, was turned back upon him. The Council had subscribed the King's Covenant, as it was expounded at the first in the 1581 year. His declaration, that Episcopacy was then in our Church, and will, that the Assembly should be discharged to meddle in the trial of this matter, could not be gotten concluded in a Council act. Sundry of the Lords of the Session being required to subscribe the Covenant in that his sense, refused ; with a protestation, that the exposition of these parts which might make for or against Episcopacy, should be referred to the determination of the ensuing Assembly. Noblemen and ministers did not dissemble their mind in their discourse of the unlawfulness, at least the inexpediency, of this office in our Church, and so their design by any means to have it presently put down. This put his Grace in great perplexity ; for he conceived, as some said, by the words and writs of sundry of our nobles of chief respect, that the Assembly might have been gotten persuaded to establish, at least to permit, or pass by untouched, that office : when the contrary appeared, he was at a nonplus ; for his instructions had made the place of bishops a *noli me tangere* ; but their persons were permitted to the doom of the severest mouth among us, where their miscarrying had required censure. His next disappointment was in the matter of the Covenant. He thought to have gotten the King's Covenant universally subscribed, and ratified hereafter in the Assembly ; so that the other, which had been subscribed by us before, might be quietly, without any infamous condemning of it, suppressed and buried. But far above and against all his thoughts, that Covenant was universally refused ; and, among these few that put their hands to it, divers avowed their mind, in all things, to be the same with those who had sworn the first. The missing of this intention increased his Grace's malcontentment. In two other designs also he found himself much deceived. He thought, an act for the freedom of the practice of Perth Articles, might have contented us ; and without condemning the matters themselves, before the Parliament by supplication had been brought to the easing of the standing law ; but an universal inclination appeared in all to have the things themselves tried without delay, and acts presently found anent them, as their nature required. Sicklike his instructions carried him to the removal of the high commission, books of canons, ordination, service, but to reason or condemn anything contained in any of them, which might have reflected against any public order, or anything practised or allowed by my Lord of Canterbury and his followers, in England or elsewhere. We in no case could be

content, except we were permitted to examine all that were in these books, their matter now being the avowed doctrine of many in our Church ; and since we found the articles of Arminius, with many points of the grossest Popery, in the books, sermons, and discourses of our bishops and ministers, we were resolved to have these doctrines censured as they deserved, without any sparing with respect to any person who maintained them.

"The Commissioner, finding himself mistaken in all these, and many more of his designs, was afraid to labour to discharge the Assembly before it began, or at least to mar it so, if it sat down, that it should do no good. We referred to this intention his diligence to find subscribers to protestations against the assembly. We heard by our opposites of huge numbers of thir ; yet when it came to the proof, there were but few who could be moved to put their hands to such an act ; yea, not one who durst avow it, and reason the lawfulness of their deed. Some twenty hands at most were at the bishops' declinature opposite to our covenant. A few others, especially eight of the Presbytery of Glasgow, (who, to the Commissioner's great discontent, refused to adhere,) made forms of protestations by themselves ; but to no purpose. From this same intention, we alleged, flowed the putting to the horn, some days before our sitting, all these commissioners of the nobles, gentry, ministers, who, for any civil cause or pretence, could be gotten denounced, that so the synod should be deprived of many members. This practice was so new, and so strong reasons given in, why this kind of horning should hinder none from voicing in a synod, that no use was or durst be made of any such exception ; only the Treasurer's good-will, by the invention, was collected to be but small toward our cause. A proclamation also was made, that none should come to the place of the Assembly but such as were members ; and that in a peaceable manner. We protested, all might come who had interest, of party, witnesses, voters, assessors, complainers, or whatever way ; and that every man might come with such retinue and equipage as the Lords of Council should give example.

"These, and many more occurrences, put us in a continual fear of the Assembly's discharge ; yet the King's word was engaged so deeply, proclamations, publick fastings at his command, had already past ; and mainly the King's thought, that the inserting what he had granted, anent the service-book, canons, and Perth articles, in the Assembly's books, would give some contentment to the people, and disengage his promise of an assembly, though nothing more should be granted : these, and such considerations, made the Assembly sit down, contrary to all our fears, and a fair face to be made for a while by the Commissioner, as if he intended nothing else, and confidently expected his sitting till all questions should be peaceably decided for the content of all.

"On Friday, the 16th of November, we in the west, as were desired, came to Glasgow ; our noblemen, especially Eglington, backed with great numbers of



friends and vassals. We were informed, that the Commissioner and counsellors were to take up the town with a great number of their followers. So the nearest noblemen and gentlemen were desired to come in that night well attended. The town expected and provided for huge multitudes of people, and put on their houses and beds excessive prices; but the diligence of the magistrates, and the vacancy of many rooms, quickly moderated that excess. We were glad to see such order, and large provision, above all men's expectation; for which the town got much thanks and credit. It can lodge easily, at once, Council, Session, Parliament, and General Assembly, if need should require.

"On Saturday most of our castland noblemen, barons, and ministers, came in. In the afternoon, the Lord Commissioner with most of the council came. The Earls of Rothes, Montrose, and many of our folks, went out to meet his Grace. Much good speech was among them; we protesting, that we would crave nothing but what clear scripture, reason, and law, would evince. His Grace assured nothing reasonable should be denied. On Sunday afternoon, some of the wisest of the ministry consulted upon the ordering of affairs. For myself, I resolved not to be a meddler in anything. I was well lodged. I had brought in a trunk full of my best books and papers. I resolved to read and write, and study as hard as I could all incident questions. On Monday the ministry met in three divers places; for no one private place could contain us. Out of every meeting three were chosen, nine in all, to be privy to hear references from the nobility, barons, burrows, to ripen and prepare what was to be proponed in public. We laid it on Mr Alexander Somervail, an old half-blind man, sore against his heart, to preach on Tuesday. He did pretty well. He insisted at length on the extirpation of all bishops, little to the contentment of some, but greatly to the mind of the most. Our privy consultation was about the clerk and the moderator. We were somewhat in suspense about Mr Alexander Henderson. He was incomparably the ablest man of us all for all things. We doubted if the moderator might be a disputer; we expected then much dispute with the bishops and Aberdeen doctors. We thought our loss great, and hazardous to lose our chief champion, by making him to be a judge of the party; yet at last, finding no other man who had parts requisite to the present moderation, (for in Messrs Ramsay, Dick, Adamson, Pollock, Cant, Livingston, Bonner, Cunningham, there were some things evidently wanting,) we resolved that Mr Henderson of necessity behaved to be the man. Mr Johnston to us all was a nonsuch for a clerk.

"In the afternoon, Rothes, with some commissioners, went to the Commissioner, shewing, that the custom of our Church was, to begin her Assemblies with solemn fasting; also, that in absence of the former moderator, the oldest minister of the bounds or moderator of the place, used to preach, and moderate the action till another be chosen; that

old Mr John Bell, for the reverence of his person, let be the other considerations, was meet to begin so great an affair. His Grace agreed presently to the fast. To the other motion he shewed, that it was his place to nominate the preacher to begin the action; that he knew none more worthy of that honour than the man they named; that he should think upon it. After an hour, he sent Dr Balcanquhal to Mr Johu, desiring him to preach on the Wednesday, and moderate till another was chosen. On Tuesday after sermon the fast was intimated, and preaching in all the churches to-morrow. In the afternoon, we, in our meeting, appointed preachers for all the churches, as we did so long as we remained in town, for we took it to be our place. However, Mr John Maxwell refused to lend his pulpit to any so long as the Commissioner staid; and craved of his Grace, that none might come there but himself. So for the two first Sundays, before and after noon, Mr John took the High Church, and preached after his fashion, nothing to the matter in hand, so ambiguously that himself knew best to what side he inclined. I moved in our meeting, that in our advertisements, at least, we might follow the course of Dort, the commissioners from one presbytery should have their ordinary meetings to advise together of any matter of importance; for there were five from every presbytery, three ministers, one from the shire and one from the burgh, which might help one another in consideration. This was applauded. But when we came to the action, this and sundry other good overtures could not be got followed. Every man behaved to do for himself. Private association could not be gotten kept. We intended to have had sermon in the afternoon, where we were, in the great church, and so to have delayed the opening of the synod till the morrow; but danger being found in law to delay the synod to another day than the king had appointed, we resolved to let the people continue in their humiliation in the other churches; but presently after sermon in the morning, we, the members of the synod, thought meet to begin our business.

"1. On Wednesday, the 21st of November, with much ado could we throng into our places, an evil which troubled us much the first fourteen days of our sitting. The magistrates, with their town-guard, the noblemen, with the assistance of the gentry, whilst the Commissioner in person, could not get us entry to our rooms, use what force, what policy they could, without such delay of time and thrusting through, as grieved and offended us. Whether this evil be common to all nations at all public confluences, or if it be proper to the rudeness of our nation alone, or whether in thir late times, and admiration of this new reformation, have at all public meetings stirred up a greater than ordinary zeal in the multitude to be present for hearing and seeing, or what is the special cause of this irremediable evil, I do not know; only I know my special offence for it, and wish it remedied above any evil that ever I knew in the service of God



among us. As yet no appearance of redress. It is here alone, I think, we might learn from Canterbury, yea, from the Pope, yea, from the Turks or Pagans, modesty and manners; at least their deep reverence in the house they call God's, ceases not till it have led them to the adoration of the timber and stones of the place. We are here so far the other way, that our rascals, without shame, in great numbers, makes such din and clamour in the house of the true God, that if they minted to use the like behaviour in my chamber, I would not be content till they were down the stairs.

"When, with great difficulty, we were set down, the Commissioner in his chair of state; at his feet, before, and on both sides, the chief of the Council—the Treasurer, Privy Seal, Argyle, Marr, Murray, Angus, Lauderdale, Wigton, Glencairn, Perth, Tullibardine, Galloway, Haddington, Kinghorn, Register, Treasurer-Depute, Justice-General, Amont, Justice-Clerk, Southesk, Linlithgow, Dalziel, Dumfries, Queensberry, Belhaven, and more; at a long table in the floor, our noblemen and barons, elders of parishes, Commissioners from Presbyteries, Rothies, Montrose, Eglinton, Cassils, Lothian, Wemyss, Loudon, Sinclair, Balmerino, Burleigh, Lindsay, Yester, Hume, Johnston, Keir, Auldbar, Sir William Douglas of Cavers, Durie, younger, Lamington, Sir John Mackenzie, George Gordon, Philorth, Tairie, Newton. Few Barons in Scotland of note but were either voters or assessors, from every burgh, the chief burghs; from Edinburgh, James Cochran and Thomas Paterson; from all the sixty-three Presbyteries, three Commissioners, except a very few; from all the four Universities, also, sitting on good commodious forms, rising up five or six degrees, going round about the low long table. A little table was set in the middle, for the Commissioner, for the Moderator and Clerk. At the end, an high room, prepared chiefly for young noblemen, Montgomery, Fleming, Boyd, Areskine, Linton, Creichton, Livingston, Ross, Maitland, Drumlanrig, Drummond, Keir, Elcho, and sundry more, with huge numbers of people, ladies, and some gentlewomen, in the vaults above. Mr John Bell had a very good and pertinent sermon, sharp enough against our late novations and Episcopacy. The pity was, the good old man was not heard by a sixth part of the beholders. That service ended, Mr John came down to the little table, began the Synod with hearty prayer; which I seconded with affectionate tears, and many more, I trust, with me. My Lord gave in his commission to Mr Thomas Sandilands, as deputed by his father, Mr J. Sandilands, commissar of Aberdeen, clerk to the last General Assembly. His Grace harangued none at all, as we expected he would. We found him oft, thereafter, as able to have spoken well what he pleased, as any in the house. I take the man to be of a sharp, ready, solid, clear wit; of a brave and masterly expression; loud, distinct, slow, full, yet concise, modest, courtly, yet simple and natural language. If the King have many such men, he

is a well-served Prince. My thoughts of the man before that time, were hard and base; but a day or two's audience wrought my mind to a great change towards him, which yet remains, and ever will, till his deeds be notoriously evil. His commission was in Latin, after a common, legal, and demi-barbarous style; ample enough for settling all our disorders, had not a clause containing instructions made it to restrict and serve ill. I have not yet got the copy. After this, our commissions were given in to the Moderator and Clerk, for the time, almost every one in the same tenor and words, containing a power from the Presbytery to the three ministers and one elder, to reason, vote, and conclude, in their name, in all things to be proponed, according to the word of God, and the Confession of Faith of the Church of Scotland, as we shall be answerable to God and the Church. The Presbyteries, Burghs, Universities, were called after the order of some roll of the old Assemblies, not of the latter. This was the labour of the first day.

"2. On Thursday, the second diet, we had no scant of protestations; more than a round dozen were enacted. After long delay, and much thronging, being set in our places, the Moderator, for the time, offered to my Lord Commissioner a leet, whereupon voices might pass for the election of a new Moderator. Here arose the toughest dispute we had in all the Assembly. His Grace, the Treasurer, Sir Lewis Stewart, (for, after the rencounter I wrote of at the Council table, the Advocate's service was no more required, but Sir Lewis used in his room,) reasoning and pressing with great eagerness, that, in the first place, before any Synodical action, the commissions might be discussed, lest any should voice as Commissioners whose commission was null, at least not tried to be valid. This was a ready way to turn the Assembly upside down, and to put us in a labyrinth inextricable: for, before the constitution of the Synod, the Commissioner would have so drawn in the deepest questions—such as the power of elders, the state of ministers censured by Bishops, and many more, which himself alone behoved to determine, no Assembly being constitute for the discussion of any question. Against this motion, as rooting up all possibility ever to settle any Assembly, but at the Commissioner's simple discretion, Rothies, Loudon, (Balmerino, through all the Assembly resolved to be well near mute,) Dickson, Livingston, Henderson, reasoned, that custom, equity, and necessity, did enforce the chusing a moderator and clerk, before the commissions be discussed, or anything else done. After much subtle, accurate, and passionate pleading—for both sides had prepared themselves, it seems, for this plea—the Commissioner craved leave to retire with the council for advisement. After a long stay in the chapter-house, returning, he was content to permit voicing for the moderator; with protestation, That this voicing should not import his approbation of the commissions of any voicer against whom he was to propone any just exception in due time, or his ac-



knowledge of any voicer for a lawful member of the Assembly. His Grace required instruments also of another protestation, That the nomination of a moderator should be no ways prejudicial to the lords of the clergy, their office, dignity, or any privilege which law or custom had given them. Against both thir, Rothes took two instruments, in name of the commissioners from presbyteries and burghs, protesting, That his Grace's protestations should in nothing prejudice the lawfulness of any commission against which no just nullity should be objected in the time of the trial of the commissions; also, that his Grace's second protestation should not hinder the discussing the nature of the office, and the alledged privileges of the pretended bishops, in this present assembly. Lord Montgomery, in name of the pursuers of the complaint against the bishops, protested, That his Grace's protestation should not be prejudicial to the discussing in this present assembly, of their complaints against the persons, titles, dignities, and privileges of the pretended bishops. Mr Jo. Bell urged the voicing for the moderator; but his Grace shewed, that there was presented to him a paper, in name of the bishops, which he required then to be read. Here also was some sharp reasoning. Divers alledged, that no bill, supplication, protestation, or whatsoever, should be read to the Assembly, before it was an Assembly; but immediately after the Assembly's constitution, it should be in his Grace's option to cause read that paper of the Bishops, or any other, to which the Assembly's answer should be returned. After reasoning and requesting, his Grace used his authority to require the reading of the paper. At once there arose a tumultuous clamour of a multitude crying, No reading! No reading! This barbarous crying offended the Commissioner, and the most of all. Silence being gotten, his Grace protested, That the refusal of hearing that paper was unjust. Rothes also required acts of his protestation, in name of the commissioners, That the refusal was just and necessary. All being wearied with the multiplication of protestations, except the Clerk, who with every one received a piece of gold, his Grace, whether in earnest or in scorn, protested of our injury in calling the Lords Bishops pretended, whom yet the acts of Parliament authorized. Rothes, in our name, protested, That they behoved to be taken for pretended, till this Assembly had tried the challenges which were given in against all their alledged prerogatives. How needless soever many of his Grace's protestations seemed to be, yet I was glad for his way of proceeding. It gave me some hopes of his continuance among us. I thought that this way of protesting had been resolved wisely in council, whereby the Commissioner might sit still till the end, and yet, by his presence, import no farther approbation to any of our conclusions than he found expedient. By appearance this course had been much better than that abrupt departure, which his posterior instructions, to all our griefs, and the great marring

of the King's designs, forced him to. Mr John Bell again presented his leet for moderation. His Grace shewed, that his Majesty had written letters to six of the counsellors, Treasurer, Privy Seal, Argyle, Lauderdale, Carnegie, and Sir Lewis Stewart, as I think, to be his assessors, not only for council, but voicing in the synod. Argyle's letter was publicly read, that this his Majesty's desire should be condescended to before any farther proceeding. It was replied, with all respect to the worthy nobles named, That my Lord Marquis, in the produced commission, was appointed sole Commissioner; that assessors were only for council, and not for multiplication of voices; that the King in person could require but one voice; that the giving of more voices to the assessors might give way, not only to very many, as in some unallowable assemblies it had been, but to so many as by plurality might over-sway all. Against this refusal his Grace protested, with some grief; and we also, desiring that our reasons might be inserted without protestation. At last we were permitted to chuse the Moderator. Mr John Ker, Mr Johu Row, Mr J. Bonner, Mr William Livingston, and Mr Alexander Henderson, were put in the leet by Mr John Bell; for the lecting of the new is in the hands of the old. Messrs Ramsay, Pollock, and Dickson, for withdrawing of votes, were holden off. All, without exception, went upou the last, as in the most of our matters there was no diversity at all, or, where any, it was but of a few. I remember not how his Grace voiced; but it was his custom to voice rather by way of permission than to say anything that might import his direct assent; for it seemed he resolved to keep himself, in all his words and deeds, so free, that he might, when he would, disavow all that was done, or to be done, in that Assembly. Mr Henderson being chosen with so full accord, made a pretty harangue, whether off-hand or premeditated, I know not. There was a conclusion taken that night, after some reasoning to the contrary, to have but one session in the day, to sit from ten or eleven, to four or five. So we were all relieved of the expenses of a dinner. An only breakfast put us all off till supper; for commonly we sat an hour with candle-light. We ended this day with the Moderator's prayers. Among that man's other good parts, that was one—a faculty of grave, good, and zealous prayer, according to the matter in hand; which he exercised, without fagging, to the last day of our meeting.

“3. In our third session, on Friday November 23, the Moderator presented a leet to be voiced for chusing the Clerk. Here a longer dispute than needed fell out betwixt the Commissioner and the Moderator, whom Rothes, but especially Loudon, did second. The Commissioner, whether of true intent to have a base clerk, of whose submissiveness to their injunctions they might be hopeful, or to shew his piety and equity to see every one kept in their right, where he had place, though he professed small obligation to the young man, who, for



no entreaty, would be pleased to shew him any blink of the Assembly's books; yet pressed much that the young man, Mr Thomas Sandilands, might serve here, as his father, Mr James Sandilands, Commissar of Aberdeen, his depute, since his father's decease could not spoil him of an advantageous office, whereto he was provided *ad vitam*. Yet it was carried, that since his father was not provided to that office but by Mr Thomas Nicolson's demission, and a corrupt Assembly's consent, without any mention of deputation; also, since he was so infirm as he was unable to attend the service, and unwilling to reside at Edinburgh, where the registers of the Church behoved to lie; for thir, and many other reasons, the clerk's place was found to be vacant. Consideration was promised to be had of Mr Thomas Sandiland's interest, which he submitted to the Assembly's discretion. In the leet, Mr Thomas was first, after John Nicol, and Alexander Blair, and Mr Archibald Johnston. The Commissioner would not voice to any of them, because he saw no lawful demission of the former clerk. The Moderator then took his Grace for a *non liquet*. Yesternight's plea was here renewed. His Grace required that his assessor's voice might be craved in the clerk's election: the Moderator thought it unfit to trouble their Lordships to voice about a clerk, since they did not voice to the choosing of the Moderator, a superior office. Many words were here spent, till at last reasons in writ were produced, why the Commissioner and his assessors should have but one voice. I thought, in the time, these reasons were of an high strain, and some of them struck deeper on authority than I could have wished. Traquair craved a double of them, and promised an answer; but the subsequent affairs, or somewhat else, hindered that answer yet to appear. This high, yea highest question, (for in all the Assembly we had nothing else that concerned authority,) was closed by the renewing of yesternight's protestation, on both sides.

"The leet put to voicing, Mr Archibald Johnston, by all save one, was elected. Being deeply sworn, he was admitted to all the rights, profits, privileges, which any in former time had enjoyed by that place: To him, Mr James Sandilands, in face of the Assembly, delivered two registers, which contained the acts of the kirk since the year 1590, testifying that his father had never any more in his custody. The Moderator required all earnestly to procure the production of any of the church-registers that could be had; for the loss of such a treasure as the Church's evidence, was pitiful. His Grace protested his willingness to do his endeavour for so good a work. Rothcs intreated that the Bishops might be caused deliver what they had: for it was known that King James had sent a warrant to Mr Thomas Nicolson, late Clerk, to deliver to the Bishop of St Andrew's, the Registers of the Church. After much regretting the irreparable loss of these writs, the new Clerk declared, that by the good providence of God, these books they spake of were come to his

hands, which he there produced to all our great joy. Five books in folio, four written and subscribed, and margined with the known hands of one Gray and Ritchie, clerks to the General Assembly, containing the full register from the Reformation in 1560, to the year 1590, where Mr Thomas Sandilands's books began, except some leaves which Bishop Adamson had torn out. Thir one Winram, depute to Mr Thomas Nicolson, had left to one Alexander Blair, his successor in office, from whom Mr Johnston had got them. The first was an extract, by way of compend, from the 1560 to the 1590, whereby, in a good part, the twenty-three leaves of Adamson's rapine might be restored. The moderator craved that these books might be sighted by Argyle, Lauderdale, and Southesk: but the Commissioner would not permit his assessors to undertake such employment, since they were refused to voice in the Assembly; but he was content that a committee of the members of the synod should be named, to try if these books were authentick and full registers. So Mr Andrew Ramsay, Mr John Adamson, Mr James Bonner, Mr John Row, Mr William Livingston, Mr Robert Murray, with young Durie, the clerk of Dundee, and Mr Alexander Pierson, advocate, were appointed to their report and reasons, as soon as they could. The moderator then required, that for the Assembly's full constitution, the commissions might be put to trial. But the commissioner caused D. Hamilton first to be called, and present his paper to be read. His Grace urged much, that, since the former objections were removed, of the want of a moderator and clerk, the paper might now be read. It was replied, over and over, that it could not be, till by the discussion of the commissions the Assembly were constitute. Traquair pressed—That the paper possibly had exceptions against the lawfulness of the election of the commissioners, which were impertinent to alledge, if once they were approved. The Commissioner assured, he knew not what was in these papers; but, presupposing they were formed for the opening of the eyes of those who were to voice anent the members of the Assembly, it was the only time to read them before the voicing. Rothcs replied—That exception against particular commissioners might not be proponed, until the trial of their commissions; and exceptions against the whole Assembly could not be heard till it were an Assembly. The moderator added, that if in that paper there were any light to open their eyes, they should shortly profess their repentence of their error in not reading it, when it was required. His Grace protested—That this not reading before the trial of the commissions, should import no prejudice to the lords of the clergy, and their adherents; and of this protestation he required an act from the new clerk's hand. The clerk said, he could write no act without the Assembly's warrant, and it could give no warrant till once it was in being. The Commissioner then required instruments, in my Lord Register's hands, of his protestation, since the clerk refused. The clerk shewed his willingness, at the



moderator's directions, to write his Grace's protestation; but might give no extracts till the Assembly were constitute. In the forming of this protestation, the clerk, I thought, was to seek in that; his wit he kythed ever thereafter; the act beloved to be formed and reformed; the commissioner and the clerk shaped it over and over again, ere they could fall on a fashion which his Grace could like. This made me pity Johnston, and think him the better advocate than clerk; but the youth's tried sufficiency in both the acts proves my mistaking, or at least that this inlake in the first entry to his office was but occasional, and merely accidental.

"In the progress of this dispute his Grace shewed the necessity that was laid on him, in this passage, to be punctually circumspect, for howbeit he was a great Commissioner; yet he was but a poor subject and servant, liable to account for all his service. Much reasoning was that the bishops' exceptions against the judges should be heard, before they were acknowledged and constitute for judges. When Traquair and Loudon had harped on this string a while, Argyle lends in his word, that a party gives in their exceptions against the assize before it be sworn; so why might not the bishops give in their exceptions against the Assembly, which now was like an assize, called and convened, but not yet sworn? The moderator cuttedly, (as the man naturally hath a little choler, not yet quite extinguished,) answered—That the Commissioner, his Grace, was of great sufficiency himself; that he only should speak there; that they could not answer to all the exceptions that a number of witty noblemen could propone; that these who were not commissioners would do well to inform his Grace of what they thought meet, in convenient time. This cheek, I believe, was intended more for others than for Argyle, who would have taken it worse if it had fallen on their fingers. Always Loudon took it off in a quick jest, that my Lord Argyle's instance was good, if the bishops had compeared as pannelled men before an assize. This wearisome plea ended that day's action, for his Grace acquiesced in his protestation."

Having thus, by the foregoing notes and extracts, in some measure prepared the general reader for entering on an examination of the Acts and Proceedings of the General Assembly of 1638, it only remains that we should explain the arrangement which we have adopted in digesting the subject-matter of these pages; and, in stating the following outline of that arrangement, with respect to one Assembly, it is right to state, that we mean to follow out the same plan with regard to all the years that follow. In reference, then, to this first Assembly, we shall present our materials in the following order, viz. :—

I. The Acts of the Assembly, which were extracted by the Clerk, and printed in the year 1639.

II. An Abstract of the Proceedings, and a List or Index of all the Acts of the Assembly, authen-

ticated by Archibald Johnston the Clerk, copied from an extract thereof under his hand, which is deposited in the Advocates' Library.

III. Historical Documents relative to the events which occurred in Scotland betwixt 1633, and the sitting of the Assembly in Nov. 1638.

IV. A Report of the Discussions in that Assembly, from an unpublished contemporary M.S.

V. Notes and Illustrations of these proceedings, derived from contemporary and collateral sources.

In closing these introductory remarks, we must guard ourselves against the possible imputation of being blind and indiscriminate admirers of the Covenanters. We are fully alive to all the exceptionable points in their character and career; and we should have studied our country's history and human nature very superficially indeed, if we had not, long ere now, discovered the infirmities and obliquities which were mingled with their higher attributes. It cannot be doubted by any man who has studied the history of the period of which we have given a rapid sketch, that they often swerved from what was the straight path of rectitude; and it is impossible to peruse even the most partial narrative of their consultations, without also discerning, in the policy and proceedings of the Covenanters, the alloy of selfish interests and grovelling passions—the fumes of fanaticism, the unrectified workings of a semi-barbarous spirit, and much democratic insolence. There was withal a tone of preternatural sanctity assumed, which savours strongly of hypocrisy in many of the individuals who figured in their counsels. But, after giving full effect to all these deductions from their merits, we can never forget that these deformities were, in a great measure, created and brought prominently into view by circumstances which rendered it almost impossible that such characteristics should not have been called into existence. We can never forget that they were goaded into the courses which they pursued by an unjustifiable series of aggressions on the dearest interests of human beings—by an open and outrageous assumption of arbitrary power over the lives, property, and liberties, civil and religious, of the country; and that their numerous loyal and dutiful supplications for redress and security, were treated with duplicity and contempt. And above all, we can never forget that it is to the noble stand which was made by the Covenanters of Scotland against arbitrary power and Popish tyranny in disguise, two hundred years ago, that we are, in a great measure, indebted for the enjoyment of the invaluable Protestant Institutions in Church and State which we now possess, and which, in the course of time, and from new combinations of causes, seem, in the present day, to be once more exposed to similar perils. May the present generation, in the maintenance of these precious institutions, avoid those errors—the simulation and the intolerance of former times—and may their patriotism be elevated to purity by imitating only the virtues of the Scottish Covenanters!



THE  
PRINCIPALL ACTS  
OF THE  
SOLEMNE GENERALL ASSEMBLY  
OF THE  
KIRK OF SCOTLAND,

Indicted by the KINGS MAJESTIE, and convcened at Glasgow the XXI. of Nov. 1638; Visied, Collected, and Extracted forth of the Register of the Acts of the Assembly, by the Clerk thereof. Edinburgh, printed by the Heirs of ANDREVV HART. Anno Dom. 1639.

*The King's Commission to James Marquesse of Hamiltoun.\**

CAROLUS Dei gratia, Magnæ Britanniae, Franciæ, & Hiberniæ Rex, fideique Defensor, Omnibus probis hominibus suis ad quos præsentēs literæ pervenerint, Salutem. Sciatis nos considerantes magnos in hoc regno nostro Scotiæ non ita pridem exortos tumultus, ad quos quidem componendos multiplices regiæ nostræ voluntatis declarationes promulgavimus, quæ tamen minorem spe nostrâ effectum hactenus sortitæ sunt : Et nunc statuentes ex pio erga dictum antiquum regnum nostrum affectu, ut omnia gratiosè stabiliantur & instaurentur, quod (per absentiam nostram) non aliâ ratione melius effici potest quam fideli aliquo Delegato constituto, cui potestatem credere possimus tumultus huiusmodi consopendi, aliaque officia præstandi, quæ in bonum & commodum dicti antiqui regni nostri eidem Delegato nostro imperare nobis videbitur. Cumque satis compertum habeamus obsequium, diligentiam, & fidem prædilecti nostri consanguinei & consilarii, JACOBI MARCHIONIS HAMILTONII, Comitæ Arraniæ & Cantabrigiæ, Domini Aven & Innerdail, &c. eundemque ad imperata nostra exequenda sufficienter instructum esse, Ideirco fecisse & constituisse, tenoreque præsentium facere & constituere præfatum prædilectum nostrum consanguineum & consiliarium JACOBUM MARCHIONEM de HAMILTOUN nostrum Commissionarium ad effectum subscriptum. Cum potestate dicto JACOBO MARCHIONI de HAMILTOUN, &c. dictum regnum nostrum adcundi, ibidemque præfatos tumultus in dicto regno nostro componendi, aliaque officia à nobis eidem committenda in dicti regni nostri bonum & commodum ibi præstandi, eoque Concilium nostrum quibus locis & temporibus ei visum fuerit convocandi, ac rationem & ordinem in præmissis exequendis servandum declarandi & præscribendi ; & quæcunque alia ad Commissionis hujus capita pro commissâ sibi fide exequenda, eandemque ad absolutum finem perducendam et prosequendam conferre possunt tam in Concilio quam extra Concilium, nostro nomine efficiendi & præstandi ; idque similiter & adeo liberè ac si nos in sacrosancta nostra persona ibidem adessemus. Præterea cum plena potestate dicto JACOBO

MARCHIONI de HAMILTOUN, prout sibi videbitur nostro servitio & bono dicti regni nostri conducere, conventum omnium ordinum ejusdem regni nostri indicendi, ac publica comitia & conventus eorundem ordinum eorumve alterius vel utriusque quibus temporibus & locis sibi visum fuerit statuendi, & ibidem nostram sacratissimam personam cum omnibus honoribus & privilegiis supremo Commissionario nostri Parlamenti & publici conventus incumben. similiter adeoque amplè sicut quivis supremus Commissionarius quocunque tempore retroacto gavisus est gerendi : Neenon cum potestate præfato JACOBO MARCHIONI de HAMILTOUN Synodos nationales ecclesiæ dicti regni nostri tenendas temporibus & locis quibus sibi visum fuerit indicendi, & ibidem seipsum tanquam nostrum Commissionarium gerendi, omniaque eisdem tenendis inservientia secundum leges & praxin prædictæ ecclesiæ & regni nostri præstandi : Et hac præsentī nostrâ Commissione durante nostro beneplacito duratura, & semper donec eadem per nos expressè iuhibeatur. In cujus rei testimonium, præsentibus magnum sigillum nostrum unâ cum privato nostro sigillo (quia præfatus MARCHIO de HAMILTOUN impræsentiarum est magni sigilli custos) apponi præcepimus, Apud Oatlands vigesimo nono die mensis Julii, Anno Domini millesimo sexcentesimo trigesimo octavo, Et anno regni nostri decimo quarto.

Per signaturam manu S.D.N. Regis superscriptam.

*The King's Letter to the Generall Assembly.*

ALTHOUGH We be not ignorant that the best of Our actions have beene mistaken by many of Our subjects in that Our antient Kingdome, as if We had intended innovation in Religion or Lawes ; yet considering nothing to be more incumbent to the duty of a Christain King, then the advancement of God's glory, and the true religion ; forgetting what is past, We have seriously taken to Our Princely consideration such particulars as may settle and establish the truth of Religion in that Our ancient Kingdome, and also to satisfie all Our good people of the reality of Our intentions herein, having indicted a free Generall Assembly to be kept at Glasgow the 21. of this instant ; We have likewise appointed Our Commissioner to attend the same, from whom you are to expect Our pleasure in every thing, and to whom We require you to give that true and due

\* The King's Commission and Letter, here inserted, are not in the print of Acts which is followed in this edition, but are copied from the "Large Declaration" by the King, p. 234, *et sequen.*—A. P.



respect and obedience, as if We were personally present Ourselves. And in full assurance of Our consent to what he shall in Our name promise, We have signed these, and wills the same for a testimonie to posterity to be registered in the Bookes of the Assembly. At White-Hall the 29. of October 1638.

Act Sess. 6. November 27. 1638.

**T**HE testimonie of the Committy, for tryall of the Registers, subscribed with their hands, being produced, with some reasons thereof in another paper, and publickly read; My Lord Commissioner professed that it had resolved him of sundry doubts, but desired a time to be more fully resolved.

The Moderatour desired that if any of the Assembly had anything to say against the said testimonie for the books, that they would declare it; and finding none to oppon, yet he appointed the day following, to any to object anything they could say, and if then none could object, the Assembly would hold the Registers as sufficiently approved.

Act. Sess. 7. November 28.

*Act. Approving the Registers.*

**A**NENT the report of the Assemblies judgment of the authority of the books of Assembly; the Moderatour having desired that if any of the Assembly had anything to say, they would now declare it, otherwise they would hold all approved by the Assembly.

The Commissioner his Grace protested that the Assemblies approving these books, or anything contained in them be no wayes prejudiciall to his Majestie, nor to the Archbishops, and Bishops of this Kingdome, or any of their adherents; because he had some exceptions against these books. My Lord Rothes desired these exceptions to be considered on, and they should be presently cleared, and protested that these books should be esteemed authentick and obligatorie hereafter.

The whole Assembly all in one voice approved these books, and ordained the same to make faith in judgment, and out-with, in all time coming, as the true and authentick Registers of the Kirk of Scotland, conform to the testimonie subscribed by the Committie, to be insert with the reasons thereof in the books of Assembly: Whereof the tenour followeth.

WE under-subscribers, having power and commission from the generall Assembly now presently convened, and sitting at Glasgow, to peruse, examine, and cognosee upon the validity, faith and strength of the books and registers of the Assembly under-written, to wit: A register beginning at the Assembly holden the twentie day of December 1560, and ending at the fourth session of the Assembly holden the 28 of December 1566.

Item, another register beginning at the generall Assembly, holden the second day of Iune 1567. and ending at the fourth session of the Assembly holden at Perth the ninth day of August 1572, which register is imperfect, and mutilate in the end, and containeth no leaf nor page after that page which containeth the said inscription of the said fourth session; which two registers bears to be subscribed by Iohn Gray scribe.

Item, a register of the Assembly holden at Edinburgh the seventh day of August 1574, and ending with the twelfth session, being the last session of the Assembly 1579.

Item another register beginning at the Assembly holden at Edinburgh the tenth of May 1586. and ending in the seventeenth session of the Assembly holden in March. 1589.

Item another register being the fifth book, and greatest volume, beginning at the Assembly holden in Anno 1560. and ending in the year 1590.

Having carefully viewed, perused and considered the said registers, and every one of them, and being deeply and maturely advised, as in a matter of greatest weight and consequence, do attest before God, and upon our conscience declare to the world and this present Assembly, that the saids foure registers above expressed, and every one of them, are famous, authentick, and good registers; which ought to be so reputed, and have public faith in judgement and out-with, as valid and true records in all things; and that the said fifth and greatest book, beginning at the Assembly 1560 and ending 1590. being margined by the hand-writs of the Clerk, and reviser of the registers, cognosed, and tryed, and agreeable to the other foure registers, in what is extant in them, ought also to be free of all prejudice and suspicion, and received with credit. And in testimonie of our solemne affirmation, we have subscribed these presents with our hands.

Sic subscribitur,

Master ANDREW RAMSAY.

Master IOHN ADAMSON.

Master IOHN ROW.

Master ROBERT MURRAY.

Master ALEXANDER GIBSON.

Master JAMES BONER.

Master ALEXANDER PEERSON.

Master ALEXANDER WEDDERBURN.

*Reasons proving the five Books and Registers produced before the Assembly to be authentick.*

The books now exhibited unto us under-subscribers, which we have revised and perused by commission from the generall Assembly, are true registers of the Kirk: to wit, Five Volumes, whereof the first two contain the acts of the Assembly, from the year of God 1560. to the year 1572. all subscribed by Iohn Gray, Clerk: The third from the year of God 1574. to the year 1579: The fourth from the year of God 1586. to the year 1589: At which time Master Iames Ritchie was Clerk, who hath frequently written upon the margine of the saids two last books, and subscribed the said margine with his hand-writing. And the fifth book being the greatest volume, containing the acts of the generall Assembly, from the year of God 1560. to the year 1590. which agreeth with the foresaids other foure books and registers, in so far as is extant in them, and further recordeth, what is wanting by them, passing by what is mutilate in them, and which with the two Volumes produced by Master Thomas Sandilands from the year 1590. to this present, maketh up a perfect register.

I. For the first two Volumes subscribed by Iohn Gray, albeit it be not necessar in such antiquitie to prove that he was Clerk, seeing he designes himself so by his subscription, yet the same is made manifest by an act mentioned in the third book, in the time of Master Iames Ritchie, who succeeded him in the said office, and his hand-writ was acknowledged by sundry old men in the ministry.

II. The uniformitie of his subscriptions through both Volumes, evident by ocular inspection above the ordinarie custome of most famous Notars, delivers the same from all suspicion *in facto tam antiquo*.

III. There be many coppies, specially of general



acts, yet extant, which do not debord from the saids registers, but are altogether agreeable thereto.

III. It is constant by the universal custome of this Kingdome, that all registers are transmitted from one keeper to his successour, and so comming by progresse and succession from the first incumbent to the last possessour, are never doubted to be the registers of that judicatorie, whereof the last haver was Clerk; and therefore it is evident that these books comming successively from John Gray, Master James Richie, and Master Thomas Nicolson, who were all Clerks to the Assembly, into the hands of Master Robert Winrame, who was constitute Clerk depute by the said Master Thomas Nicolson, (as his deputation here present to show, will testifie,) are the undoubted registers of the Assembly: like as Alexander Blair succeeded the said Master Robert in his place of Clerkship to the assignations and modifications of Ministers stipends; and during Master Robert his life-time, was his actuall servant, and so had the said books by progresse from him, which the said Alexander is readie presently to testifie.

V. The two registers of Master James Richie, albeit not under his own hand, yet are frequently margined with his own hand-writ, and the same marginall additions subscribed by him; which hand-writ is seen and cognosced by famous men, who knoweth the same; and is evident, being compared with his several writings and subscriptions yet extant.

VI. The saids registers are more perfect, lesse vitiated, scored, and interlined, than any other authentic and famous registers of the most prime judicatories within this Kingdome.

VII. Master Thomas Sandilands, in name of his father, who was late Clerk by dimission of Master Thomas Nicolson, hath produced a volume, which proveth the saids two registers of Master James Richie to be sufficient records; because that same Volume is begun by that same hand, whereby the said Master James Richie his registers are written, and is subscribed once in the margine by Master James Richie his hand, and is followed forth, and continued in the same book by Master Thomas Nicolson, who succeeded him in the place, and was known by most men here present to be of such approven worth and credit, that he would never have accomplished a register which had not been famous and true: and whereof the hand-write, had not then been known to him sufficiently.

VIII. That register produced by Master Thomas Sandilands, and prosecuted by Master Thomas Nicolson, proves the first part of that register to be true and famous; and that first part being, by ocular inspection, of the same hand-writ with Master James Richies registers, and subscribed in the margine with the same hand-writ, proveth Richies two books to be good records, and Richies registers doth approve Grays books by the act of Assembly before written; specially considering the same hath come by progresse and succession of Clerks, in the hands of Alexander Blair, now living, and here present.

IX. The compts anent the thirds of benefices between the Regent for the time and the Assembly, in the second volume, pag. 147, are subscribed by the Lord Regents own hand, as appeareth; for it is a royall-like subscription, and there is no hand-writ in all the book like unto it, and beareth not *sic subscribitur*, which undoubtedly it would do, if it were a coppie.

X. Master James Carmichell was commanded by the generall Assembly 1595, Sess. 9, in the book produced by Master Thomas Sandilands, to extract the generall acts forth of their books; and it is evident

that these books are the same which he perused for that effect, because he hath marked therein the generall acts with a crosse, and hath designed the act by some short expression upon the margine, which is cognosced and known to be his hand writ, by famous and worthy persons; which is also manifest by the said Master James his hand and subscription, written with his own hand in the last leafe of the said books; as also acknowledged in the said book produced by Master Thomas Sandilands, wherein the said Master James Carmichell grauteth the receipt of these, with some other books of the Assemblies.

XI. The registers produced, are the registers of the Assembly, because in Anno 1586, the Assembly complaineth that their registers are mutilate: which hath relation to Richies third book, which is lacerat and mutilate in divers places, without any interveening of blank paper, or any mention of *hic deest*.

XII. If these were not principall registers, the enemies of the puritie of Gods worship, would never have laboured to destroy the same: which notwithstanding they have done; as appeareth by the affixing and battering of a piece of paper upon the margine, anent a condition of the commission not to exceed the established discipline of this Kirk, subscribed by the Clerk, book 3. pag. 147. And the blotting out the certification of the excommunication against Bishop Adamson, book 4. pag. 30. who in his Recantation generally acknowledgeth the same: but which, without that recantation, cannot be presupposed to have been done, but by corrupt men, of intension to corrupt the books, which were not necessary, if they were not principall registers.

XIII. In the Assembly 1586, The Church complained upon the Chancelour his reteioun of their registers, & desired they might be delivered to their Clerk, which accordingly was done; as a memorandum before the beginning of the first book, bearing the redeliverie of these foure books to Master James Richie, Clerk, proporteth; which clearly evinceth that these foure books are the registers of the Assembly.

XIV. The said fifth book and greatest Volume, is also marked on the margine, with the hand writ of the said Master James Carmichell (which is cognosced) who was appointed to peruse the books of the Assembly as said is, and would not have margined the same by vertue of that command, nor extracted the generall acts out of it, if it were not an approbation thereof, as an authentick and famous book.

XV. The said fifth volume doth agree with the other foure books, in all which is extant in them, and marketh the blanks, which are lacerate and riven out of the same; and compleateth all what is lacking in them.

XVI. In the book of Discipline pertaining to Master James Carmichel, subscribed by himself, and Master James Richie, there are sundry acts and passages quotted out of the said fifth great Volume, saying, It is written in such a page of the book of Assembly, which agreeth in subject and quottations with the said fifth book, and cannot agree with any other; so that Master James Carmichel reviser of the Assembly books, by their command, would not alledge that book, nor denominate the same a book of the Assembly, if it were not an authentic famous book.

XVII. Though the corrupt nature of man hath been tempted to falsifie particular evidents, yet it hath never been heard that any whole register hath ever been counterfeited; neither can it bee presupposed that any will attempt that high wicked-



nesse, seeing the inducements answerable to that crime, can hardly be presupposed.

XVIII. It is certain, and notour to all these who are intrusted with the keeping of the publick records of the Kingdome, that the same are never subscribed by the Clerk, but only written and filled up by servants, and most frequently by unkuown hands, yet they and the extracts thereof make publick faith, and the same are uncontrovertedly authentick registers: and when the most publick registers of the Kingdome shall be seen, and compared with these registers of the Assembly, it shall be found that these other registers of the most soveraigne judicatories ever unsubscribed are more incorrect, oftner margined, scored, and interlined, made up by greater diversitie of unknown hand-writs, than these books of the Assembly, which by speciall providence are preserved so intire, that in the judgment of any man acquainted with registers, they will manifestly appear at the very sight to be true, famous, and authentick.

XIX. The fame and credit of ancient registers in this Kingdome, is so much revered, that if any extract be different or disconforme from the register, that extract albeit subscribed by the person who for the time had been of greatest eminence in the trust of registers, will be rectified, conforme to the register, and have no force, so far as it debordeth there-from; although the registers be written with an obscure, unknown hand, and unsubscribed.

Act Sess. 12. December fourth.

*The six late pretended Assemblies condemned.*

**A**NENT the report of the Committie, for trying the six last pretended Assemblies: They produced in writ sundrie reasons, clearing the unlawfulness and nullitie of these Assemblies: which were confirmed by the registers of the Assembly, the books of Presbyteries, the Kings Majesties own letters, and by the testimonie of divers old reverend Ministers, standing up in the Assembly, and verifying the truth thereof. The Assembly with the universall consent of all, after the serious examination of the reasons against every one of these six pretended Assemblies apart, being often urged by the Moderatour, to informe themselves thoroughly, that without doubting, and with a full perswasion of minde, they might give their voices, declared all these six assemblies, of Linlithgow 1606. and 1608, Glasgow 1610. Aberdeen 1616. St Andrews 1617. Perth 1618, And every one of them to have been from the beginning unfree, unlawfull, and null Assemblies, and never to have had, nor hereafter to have, any Ecclesiasticall authoritie, and their conclusions to have been, and to bee of no force, vigour, nor efficacie: Prohibited all defence and observance of them, and ordained the reasons of their nullitie to be insert in the books of the Assembly: Whereof the tennour followeth:

*Reasons annulling the pretended Assembly, holden at Linlithgow. 1606.*

I. From the indiction of it. It was indicted the third of December, to bee kept the tenth of December. And so there was no time given to the Presbyteries, far distant, neither for election of Commissioners, nor for preparation to those who were to be sent in Commission. The shortnesse of the time of the indiction is proved by the Presbyterie books of Edinburgh, Perth, and Hadingtoun, &c.

II. From the want of a lawfull calling, to these

who went to that meeting, seeing they were not at all elected by their Presbyteries, but were enjoined to come by the Kings letters. This also is proved by the foresaids books of the Presbyteries, and by his Majesties letters.

III. From the nature of that meeting, which was only a private meeting, or convention, for consultation to be taken by some persons of sundry estates written for, as the Kings letters and the Presbyterie books do acknowledge.

IIII. From the power of these ministers who were present Their Presbyteries did limitate them: First, That they should give no suffrages in that meeting as a generall Assembly. Secondly, That they agree to nothing that may any wayes be prejudiciall to the acts of the generall Assemblies, or to the established discipline of the Kirk. Thirdly, That they should not agree to resolve or conclude any question, article, or matter whatsoever, the decision whereof is pertinent, and proper to a free generall Assembly. Fourthly, If anything be concluded contrary thereto, that they protest against it. These limitations are cleare by the Presbyterie books.

V. The acts of this meeting were not insert in the book of Assemblies, as is evident by the register.

VI. The next pretended Assembly at Linlithgow, 1608. doth acknowledge the Assembly, Whereof Master Patriek Galloway was Moderatour, to have been the last immediate Assembly, preceeding itselfe: and that Assembly wherof he was moderatour, was the Assembly holden at Halyroodhouse, 1602. So they did not acknowledge that meeting at Linlithgow, 1606. for any Assembly at all. This is cleare by the registers of the Assembly, 1608. in the entrie thereof.

*Reasons for annulling the pretended Assembly at Linlithgow, 1608.*

I. Manie of the voters in that pretended Assembly had no lawfull commission from the Kirk, to wit, 42. Noble men, officers of estate, counsellours, and Barrons, also the Bishops, contrare to the act of Dundie, 1597, and one of their caveats. The Noble men, were as commissioners from the King; the Bishops had no commission at all from the Presbyteries, for every Presbyterie out of which they came, had their full number of Commissioners beside them, as the register of the Assembly beareth.

II. In a lawfull Assembly there should be none but Commissioners from Presbyteries, Burghs, and Universities, and but three ministers at most, with one Elder, Commissioners from every Presbyterie, according to the act made at Dundie, 1597. But in that pretended Assembly, there were foure ministers from the severall Presbyteries of Edinburgh, and Cowper, five from the Presbyterie of Arbroth, as the roll of the said pretended Assembly beareth; whereas there were no ruling Elders sent from Presbyteries, according to the book of polieie and act of Dundie.

*Reasons for annulling the pretended Assembly at Glasgow. 1610.*

I. The Commission of the pretended Commissioners to that meeting was null. 1. Because the election of them was not free, seeing they were nominate by the Kings Letters, as the Presbyterie books of Edinburgh, Perth, and Hadingtoun declare. And the Bishop of St Andrews in his letter to some Presbyteries required them to send such commissioners as the King had nominate: assuring them that none other would be aaccepted. This the Bishops letter registrat in the Presbyterie books of Hadingtoun doth cleare. 2. And whereas there



were no ruling elders sent from the Presbyteries to that pretended Assembly, as the roll of Commissioners sheweth; yet there were more ministers from sundrie severall Presbyteries then three, as five from Brechen, five from Arbroth, five from Kirkeubright, seven from the Presbytery of Argyl, foure from the Presbyterie of Cowper, foure from Linlithgow, foure from Pasley, foure from Hamiltoun, foure from Drumfreis, foure from Dunkell: as the register of that Assembly beareth.

II. There were thirtie voters of Noble men and Barrons, beside the pretended Bishops, who had no commission from any Presbyterie. In the fourth Session of this pretended Assembly it is plainly said, That the Noble men and Barrons came to it by the Kings direction.

III. The voting of the commissioners was not free; for by the Kings Letter to the Assembly they were threatned, and it was declared that their consent was not needfull to any act to be made there: The King might doe it by his own power, yet they were allured to vote by a promise that their good service in so doing should be remembred and rewarded thereafter.

IIII. The principall acts which were made, were set down *verbatim* in the privie conference, which chiefly consisted of the Kings Commissioners and pretended Bishops, and only read to be ratified in the Assembly.

V. Sundrie ministers then present, doe now declare, that they knew the ministers who voted the wrong way, to have received their present reward, and that money was largely dealt unto them.

*Reasons for annulling the pretended Assembly at Aberdeen. 1616.*

I. There was no election of a Moderatour: but that place usurped by the pretended Bishop of Saint Andrews, as the Register beareth.

II. The indiction of that pretended Assembly was but twentie dayes before the holding of it: so that the Presbyteries and burghes could not be prepared for sending their commissioners: which caused the absence of many Presbyteries and fourtie foure Burghies.

III. There were twentie five noble-men, and gentlemen voters without commission from the Kirk. Mr. William Struthers voted for the Presbyterie of Edinburgh, yet had no commission there-from; The commission being given by that Presbyterie to other three, as the said Commission registrat in the books of the Presbytery beareth. And whereas there should be but one Commissioner from every burgh, except Edinburgh, to the Assembly, at this pretended Assembly, there were two Commissioners from Glasgow, two from Cowper, two from St. Andrews; whereas there were no ruling Elders having commission from their Presbyteries at that Assembly.

IIII. When the acts of that pretended assembly were written, the Bishop of St. Andrews with his own hand did interline, adde, change, vitiate, direct to be extracted or not extracted, as he pleased: as the scrolls themselves seen, doe show; wherefore the Clerk did not registrat the acts of that Assembly, in the books of Assemblies, as may be easily seen by the blank in the register left for them remaining unfilled.

*The nullitie of the pretended Assembly at Saint Andrews, 1617.*

I. There is no mention of it in the register of the

Assemblies, and so no warrand for their commissions, their Moderatour or Clerk.

II. The indiction of it was so unformall, that as the scroll declareth, a great part of the Commissioners from Synods, Burrows, and gentle-men, would not be present.

III. The Kings Majestie in his letter to Perth Assembly, acknowledgeth it was but a meeting, wherein disgrace was offered to his Majestie.

IIII. The former corruptions of the foure preceeding Assemblies had their confluence in this and the subsequent Assembly.

*Reasons for annulling the pretended Assembly holden at Perth, 1618.*

I. The Assembly was indicted but twentie dayes before the holding of it: and all parties requisit received not advertisement, as appeareth by their absence. The untimous indicting of it, is cleared by Presbyterie books.

II. There was no election of the Moderatour, as was accustomed to be in lawfull Assemblies; the register cleareth this.

III. No formall election of their new Clerk.

IIII. There were five whole Dyocies absent, viz. Orkney, Cathnes, Rosse, Argyl, and Isles; and many Presbyteries had no Commissioners there, as the register of that pretended Assembly beareth.

V. There were nineteen noblemen and Barrons, eleven Bishops, that had no Commission from the Kirk. Whereas the act for constitution of Assemblies, ordaineth every Burgh to have but one Commissioner, except Edinburgh, which may have two, (Act at Dundie 1597) yet in that pretended Assembly, Perth had three Commissioners, Dundie had two, Glasgow had two, and St. Andrews had two: Of the Burghes there were thirtie six absent: and for ruling Elders, there were none at all with commission from their Presbyteries. All these things are cleared by the records of that pretended Assembly.

VI. The Commissioners from some Presbyteries exceeded their number, prescribed in the act at Dundie, 1597: for the Presbyterie of Arbroth were foure Commissioners, and foure for the Presbyterie of Aughter-ardour: Beside these that were heard to vot, having no commission at all, and some who had commission were rejected, and were not enrolled, but others put in their place without commission.

VII. The pretended Bishops did practise some of the articles to be concluded there, before the pretended Assembly, in Edinburgh, St. Andrews, and other cathedrall Churches, by keeping festivall dayes, kneeling at ye Communion. Thus their voices were prejudged by their practise of these articles before condemned by the Kirk, and therefore they should have been secluded from voicing.

VIII. In all lawfull Assemblies, the voicing should be free: But in this pretended Assembly there were no free voicing; for the voicers were threatned to voice *affirmative*, under no lesse pain nor the wrath of authoritie, imprisonment, banishment, deprivation of ministers, and utter subversion of the state: Yea, it was plainly professed, that neither reasoning, nor the number of voices should carie the matter away: Which is qualified by the declaration of many honest old reverend Brethren of the ministry now present.

IX. In all lawfull Assemblies, the grounds of proceeding were, and used to be, the word of God, the confession of Faith, and acts of former generall Assemblies. But in this pretended Assembly, the ground of their proceeding in voicing was the Kings commandment only: For so the question was stated:



*Whether the five articles, in respect of his Majesties commandement, should passe in act, or not: As the records of that pretended Assembly beareth, where it is declared, that for the reverence and respect which they bear unto his Majesties Royal commandements, they did agree to the foresaids articles.*

X. Many other reasons verifying the nullitie of all these Assemblies, were shoven and proven before the Assembly, which needeth not here to be insert.

Act. Sess. 13. December 5. 1638.

*Against the unlawfull oathes of intrants.*

THE six Assemblies immediately preceding, for most just and weightie reasons above-specified, being found to be unlawfull, and null from the beginning: The Assembly declareth the oathes and subscriptions exacted by the Prelates of intrants in the ministerie all this time by past (as without any pretext of warrand from the Kirk, so for obedience of the acts of these null Assemblies, and contrare to the ancient and laudable constitutions of this Kirk, which never have been nor can be lawfully repealed, but must stand in force) to be unlawfull, and no way obligatorie. And in like manner declareth, that the power of Presbyteries, and of provincially and generall Assemblies, hath been unjustly suppressed, but never lawfully abrogate. And therefore that it hath been most lawfull unto them, notwithstanding any point unjustly objected by the Prelats to the contrare, to admit, suspend, or deprive ministers, *respectively* within their bounds, upon relevant complaints sufficiently proven, to choose their own Moderatours, and to execute all the parts of ecclesiasticall jurisdiction according to their own limits appointed them by the Kirk.

Act Sess. 14. December 6. 1638.

*Condemning the Service-book, Book of Canons, Book of Ordination, and the high Commission.*

I. THE Assembly having diligently considered the Book of common prayer, lately obtruded upon the reformed Kirk within this Realme, both in respect of the manuer of the introducing thereof, and in respect of the matter which it containeth, findeth that it hath been devised and brought in by the pretended Prelats, without direction from the Kirk, and pressed upon ministers without warrand from the Kirk, to be universally received as the only forme of divine service under all highest paines, both civil and ecclesiasticall, and the book it self, beside the *popish* frame and forms in divine worship, to containe many *popish* errors and ceremonies, and the seeds of manifold and grosse superstition and idolatrie. The Assembly therefore all in one voice, hath rejected, and condemned and by these presents doth reject and condemne the said book, not only as illegally introduced, but also as repugnant to the doctrine, discipline and order of this reformed Kirk, to the Confession of Faith, constitutions of generall Assemblies, and acts of Parliament establishing the true Religion: and doth prohibite the use and practise thereof: and ordaines Presbyteries to proceed with the censure of the Kirk against all such as shall transgresse.

II. The Assembly also, taking to their consideration the book of Canons, and the manner how it hath been introduced, findeth that it hath been devised by the pretended Prelats, without warrand or direction from the generall Assembly; and to establish a tyrannicall power in the persons of the

pretended Bishops, over the worship of God, mens consciences, liberties and goods, and to overthrow the whole discipline and government of the generall and Synodall Assemblies, Presbyteries, and Sessions formerly established in our Kirk.

Therefore the Assembly all in one voice hath rejected and condemned, and by these presents doth reject and condemne the said book, as contrare to the confession of our Faith, and repugnant to the established government, the book of Discipline, and the acts and constitutions of our Kirk: prohibits the use and practise of the same; and ordaines Presbyteries to proceed with the censure of the Kirk against all such as shall transgresse.

III. The Assembly having considered the book of consecration and ordination, findeth it to have been framed by the Prelats, to have been introduced and practised without warrand of authority, either civil or ecclesiasticall: and that it establisheth offices in Gods house, which are not warranded by the word of God, and are repugnant to the Discipline, and constitutions of our Kirk, that it is an impediment to the entrie of fit and worthie men to the ministry, and to the discharge of their dutie after their entrie, conforme to the discipline of our Kirk. Therefore the Assembly all in one voice hath rejected and condemned, and by these presents doth reject and condemne the said book; and prohibits the use and practise of the same; And ordaines Presbyteries to proceed with the censure of the Kirk against all such as shall transgresse.

IIII. The generall Assembly, after due tryall, having found that the Court of high Commission, hath been erected without the consent or procurement of the Kirk, or consent of the Estates in Parliament, that it subverteth the jurisdiction and ordinarie judicatories and Assemblies of the Kirk Sessions, Presbyteries, provincially and nationall Assemblies, that it is not regulate by lawes civil or ecclesiasticall, but at the discretion and arbitrement of the Commissioners; that it giveth to ecclesiasticall persons, the power of both the swords, and to persons meerly civil, the power of the keys and Kirk censures: Therefore the Assembly all in one voice, hath disallowed and condemned, and by these presents doth disallow and condemne the said court, as unlawfull in it selfe, and prejudicial to the liberties of Christs Kirk and Kingdome, the Kings honour in maintaining the established lawes and judicatories of the Kirk: and prohibits the use and practise of the same: and ordaines Presbyteries to proceed with the censures of the Kirk, against all such as shall transgresse.

*After the serious discussing of the severall Processes, in many Sessions, from Sess. 14. (which are in the Clerks hands and needeth not here to be insert) the following sentences were solemnly pronounced after Sermon by the Moderatour, in the Assembly of Glasgow, Sess. 20. December 13. 1638.*

*Sentence of deposition and excommunication against Mr JOHN SPOTTISWOOD, pretended Archbishop of St Andrews; Mr. PATRICK LINDSAY, pretended Archbishop of Glasgow: Mr. DAVID LINDSAY, pretended Bishop of Edinburgh: Mr. THOMAS SIDSERFE, pretended Bishop of Galloway: Mr. JOHN MAXWELL, pretended Bishop of Rosse: Mr. WALTER WHYTEFOORD, pretended Bishop of Brechen.*

THE generall Assembly, having heard the lybels and complaints, given in against the foresaids pretended Bishops to the Presbyterie of Edinburgh,



and sundry other Presbyteries within their pretended Dyocies, and by the saids Presbyteries referred to the Assembly, to be tryed: The saids pretended Bishops being lawfully cited, often-times called, and their Proentour Doctour Robert Hammiltoun, and not compearing, but declining and protesting against this Assembly, as is evident by their declinatour, and protestation given in by the said Doctour Robert Hammiltoun minister at Glasfoord, which by the acts of Assembly is censurable with summar excommunication: Entered in consideration of the said declinatour, and finding the same not to be relevant, but on the contrare to be a displayed banner against the settled order and government of this Kirk, to be fraught with insolent and disdainfull speeches, lies and calumnies against the lawfull members of this Assembly, proceeded to the cognition of the saids complaints, and lybels against them; and finding them guiltie of the breach of the cautions, agreed upon in the Assembly holden at Montrose, Anno 1600. for restricting of the minister voter in Parliament, from encroaching upon the liberties and jurisdiction of this Kirk, which was set down with certification of deposition, infamie, and excommunication, speecially for receiving of consecration to the office of Episcopacie, condemned by the confession of Faith, and acts of this Kirk, as having no warrand, nor fundament in the word of God, and by vertue of this usurped power, and power of the high Commission, pressing the Kirk with novations in the worship of God, and for sundrie other haynous offences, and enormities, at length expressed, and clearly proven in their proessee, and for their refusall to underly the tryall of the reigning slander of sundrie other grosse transgressions and crymes laid to their charge: Therefore the Assembly moved with zeal to the glorie of God, and purging of his Kirk, hath ordained the saids pretended Bishops to be deposed, and by these presents doth depose them, not only of the office of Commissionaire to vote in Parliament, Councell, or Convention in name of the Kirk, but also of all functions whether of pretended Episcopall or ministeriall calling, declareth them infamous. And likewise ordaineth the saids pretended Bishops to be excommunicate, and declared to be of these whom Christ commandeth to be holden by all and every one of the faithfull as ethnicks, and publicanes; and the sentence of excommunication to be pronounced by Mr Alexander Henderson, Moderatour, in faee of the Assembly in the high Kirk of Glasgow, and the execution of the sentence to bee intimat in all the Kirks of Scotland by the Pastours of every particular congregation, as they will be answerable to their Presbyteries and Synods, or the next generall Assembly, in case of the negligence of Presbyteries and Synods.

*Sentence of deposition and excommunication against Mr. ADAM BALLANTYNE, pretended Bishop of Aberdeen, and Mr. JAMES WEDDERBURN pretended Bishop of Dumblane.*

THE generall Assembly, having heard the lybels and complaints given in against the foresaid pretended Bishops, of Aberdeen, and Dumblane, to the Presbytery of Edinburgh, and sundry Presbyteries within their pretended Dyocies, and by the saids Presbyteries referred to this Assembly to be tryed: The saids pretended Bishops being lawfully cited, often-times called, and not compearing, proceeded to the cognition of the complaints and lybels against them, and finding them guiltie of the breach of the cautions, agreed upon

in the Assembly holden at Montrose, Anno 1600. for restricting the minister voter in Parliament, from encroaching upon the liberties and jurisdictions of this Kirk, which was set down with certification of deposition, infamie and excommunication, speecially for receiving consecration to the office of Episcopacie, condemned by the confession of Faith, and acts of this Kirk, as having no warrand nor fundament in the word of God, and by vertue of this usurped power, and power of the high Commission, pressing the Kirk with novations in the worship of God, and for sundry other haynous offences and enormities, at length expressed, and clearly proven in their Proessee, and for their refusall to underly the tryall of the reigning slander of sundry other grosse transgressions and offences laid to their charge: Therefore the assembly moved with zeal to the glorie of God, and purging of the Kirk, hath ordained the saids pretended Bishops to be deposed, and by these presents doth depose them, not only of the office of Commissionary to vot in Parliament, Councell, or Convention, in name of the Kirk, but also of all functions, whether of pretended Episcopall or ministeriall calling, declareth them infamous: and likewise ordains the saids pretended Bishops to be excommunicate, and declared to be of these whom Christ commanded to be holden by all and every one of the faithfull as Ethnieks and Publicans; and the sentence of excommunication to be pronounced by Mr Alexander Henderson, Moderatour, in face of the Assembly, after Sermon, in the high Kirk of Glasgow; and that the execution of the sentence be intimat in all the Kirks within this Realme, by the Pastours of every particular congregation, as they will be answerable to their Pesbyteries and Synods, or the next generall Assembly, in case of the negligence of Presbyteries and Synods.

*Sentence of deposition against Mr. JOHN GUTHRY, pretended Bishop of Murray: Mr. JOHN GRAHAME pretended Bishop of Orkney, Mr. JAMES FAIRLIE, pretended Bishop of Lismoir: Mr. NEIL CAMBELL, pretended Bishop of Isles.*

THE generall Assembly having heard the lybels and complaints given in against the foresaid pretended Bishops, to the Presbytery of Edinburgh, and sundrie Presbyteries within their Dyocies, and by the saids Presbyteries referred to this Assembly to be tryed: the saids pretended Bishops being lawfully cited, often times called, and not compearing, proceeded to the cognition of the complaints and lybels against them; and finding them guiltie of the breach of the cautions agreed upon in the Assembly at Montrose, Anno 1600. for restricting of the minister voter in Parliament, from ineroaching upon the liberties and Jurisdctions of this Kirk, which was set down with certification of deposition, infamie and excommunication; and espeecially for receiving eusecration to the office of Episcopacie condemned by the confession of Faith, and acts of this Kirk, as having no warrand nor fundament in the word of God, and by vertue of this usurped power, and power of the high commission, pressing the Kirk with novations in the worship of God; and for their refusall to underly the tryall of the reigning slander of sundrie other grosse transgressions and offences, laid to their charge: Therefore the Assembly, moved with zeal to the glorie of God, and purging of this Kirk, ordaines the saids pretended Bishops, to bee deposed, and by these presents doth depose them, not only of the office of commissionarie, to vote in Parliament, Councell, or convention in name



of the Kirk : but also of all functions, whether of pretended Episcopall, or ministeriall calling : And likewise in case they acknowledge not this Assembly, reverence not the constitutions thereof, and obey not the sentence, and make not their repentance, conforme to the order prescribed by this Assembly, ordaines them to be excommunicated, and declared to bee of these whom Christ commandeth to be holden by all and every one of the faithfull as Ethnieks and Publicanes : and the sentence of excommunication to be pronounced upon their refusall, in the Kirks appointed, by any of these who are particularly named, to have the charge of trying their repentance or impenitencie, and that the execution of the sentence bee intimate in all the Kirks within this Realme by the Pastours of every particular Congregation, as they will be answerable to their Presbyteries and Synods, or the next generall Assembly, in case of negligence of the Presbyteries and Synods.

*Sentence of deposition against Maister ALEXANDER LINDSAY pretended Bishop of Dunkell.*

THE generall Assembly having heard the complaint and lybel given in against Mr. Alexander Lindsay pretended Bishop of Dunkell, to the Presbytery of Edinburgh, and sundrie Presbyteries of his pretended Dyocie, and by the Presbyteries referred to this Assembly to be tryed : The said pretended Bishop being lawfully cited, often-times called, & not compearing, but by a letter of excuse submitting himself to the Assembly, proceeded to the cognition of the complaint and lybell it selfe against him, and finding him guiltie of the breach of the cautions agreed upon in the Assembly holden at Montrose, Anno 1600. for restricting the minister voter in parliament, from encroaching upon the liberties and jurisdictions of this Kirk, which was set down with certification of deposition, infamie and excommunication, especially for receiving consecration to the office of Episcopacie condemned by the confession of Faith, and acts of this Kirk, as having no warrant nor fundament in the word of God, and by vertue of this usurped power, and power of the high Commission, pressing the Kirk with novations in the worship of God : Therefore the Assembly moved with zeal to the glory of God, and purging of this Kirk, hath ordained the said Mr Alexander to bee deposed, and by these presents deposeth him, from the pretended Episcopall function, and from the office of commissionarie to vote in Parliament, Council or Convention in name of the Kirk and doth suspend him from all ministeriall function, and providing he acknowledge this Assembly, reverence the constitutions of it, and obey this sentence, and make his repentance conforme to the order prescribed, continueth him in the ministerie of St Madoze ; And likewise, if he acknowledge not this Assembly, reverence not the constitutions of it, and obey not the sentence, and make his repentance, conforme to the order prescribed by this Assembly, ordains him to be excommunicat, and declared to bee one of those whom Christ commandeth to bee holden by all and every one of the faithfull, as an Ethniek and Publicane, and the sentence of excommunication to be pronounced upon his refusall, in the Kirks appointed, by one of these who are particularly named, to have the charge of trying his repentance or impenitencie, and that the execution of this sentence be intimate in all the Kirks within this Realme, by the Pastours of every particular congregation, as they will be answerable to their Presbyteries and Synods, or the next generall As-

sembly, in case of the negligence of Presbyteries and Synods.

*Sentence of deposition against Master IOHN ABERNETHIE pretended Bishop of Cathnes.*

THE generall Assembly having heard the lybell and complaint given in against Mr. Iohn Abernethie pretended Bishop of Cathnes to the Presbytery of Edinburgh, and sundrie Presbyteries within his Dyocie : And by the saids Presbyteries, referred to this Assembly to be tryed : The said pretended Bishop being lawfully cited, often-times called, and not compearing, but by his letter of excuse upon his sicknesse, proceeded to the cognition of the complaint and lybell it selfe against him, and finding him guiltie of the breach of the cautions, agreed upon in the Assembly holden at Montrose, Anno 1600. for restricting the minister voter in Parliament, from encroaching upon the liberties and jurisdictions of this Kirk, which was set down with certification of deposition, infamie and excommunication, specially for receiving consecration to the office of Episcopacie, condemned by the confession of Faith, and acts of this Kirk as having no warrant nor fundament in the word of God, and by vertue of his usurped power, and power of the high Commission pressing the Kirk with novations in the worship of God : Therefore the assembly moved with zeal to the glorie of God, and purging of this Kirk, hath ordained the said Mr Iohn to be deposed, and by these presents deposeth him from the pretended Episcopall function, and from the office of Commissionary to vote in Parliament, Council, or convention, in name of the Kirk, and doth suspend him from the ministeriall function. And providing he acknowledge this Assembly, reverence the constitutions of it, and obey the sentence, and make his repentance conforme to the order prescribed by this Assembly, will admit him to the ministerie of a particular flock : and likewise, in case he acknowledge not this Assembly, reverence not the constitutions of it, and make his repentance conforme to the order prescribed by this Assembly, ordains him to be excommunicate, and declared to be one of these whom Christ commandeth to bee holden by all and every one of the faithfull as an Ethniek and Publicane : and the sentence of excommunication to be pronounced up on his refusall in the Kirks appointed, by one of these who are particularly named to have this charge of trying his repentance or impenitencie, and that the execution of this sentence be intimate in all the Kirks within this Realme, by the Pastours of every particular congregation, as they will be answerable to their Presbyteries and Synods, or the next generall Assembly, in case of the negligence of Presbyteries and Synods.

*Act of the Assembly at Glasgow, Sess. 16.  
December 8. 1638.*

*Declaring Episcopacie to have been abjured by the Confession of Faith, 1580 ; And to be removed out of this Kirk.*

THE Assembly taking to their most grave and serious consideration, first the unspeakable goodnesse, and great merey of God, manifested to this Nation, in that so necessarie, so difficult, and so excellent and divine work of reformation, which was at last brought to such perfection, that this Kirk was reformed, not only in doctrine and worship, but also after many conferences and publick reasonings in divers uationall Assemblies, joyued



with solemn humiliations and prayers to God, the discipline and government of the Kirk, as the hedge and guard of the doctrine and worship, was prescribed according to the rule of God's word, in the book of Policie and Discipline, agreed upon in the Assembly 1578. and insert in the register 1581. established by the Acts of Assemblies, by the confession of Faith, sworn and subscribed, at the direction of the Assembly, and by continuall practise of this Kirk: Secondly, that by mens seeking their own things, and not the things of Jesus Christ; divers novations have been introduced to the great disturbance of this Kirk, so firmly once compacted, and to the endangering of Religion, and many grosse evils obtruded, to the utter undoing of the work of reformation, and change of the whole forme of worship and face of this Kirk: Thirdly, that all his Majesties Subjects both Ecclesiasticall and civil, being without consent of the Kirk, commanded to receive with reverence a new book of common prayer, as the only forme to be used in God's public worship, and the contraveeners to be condignely censured, and punished, and after many supplications and complaints, knowing no other way for the preservation of Religion; were moved by God, and drawne by necessitie, to renew the nationall Covenant of this Kirk, and Kingdome, which the Lord since hath blessed from heaven, and to subscribe the Confession of Faith, with an application thereof abjuring the great evils wherewith they were now pressed, and suspending the practise of all novations formerly introduced, till they should bee tryed in a free generall Assembly; Lastly, that some of his Majesties Subjects of sundrie ranks, have by his Majesties commandement subscribed and renewed the confession of Faith, without the former application, and that both the one and the other subscribers have subscribed the said Confession of Faith in this year, as it was professed and according to the meaning that it had in this Kingdome, when it was first subscribed 1581. and afterward: The Assembly therefore, both by the subscription of his Majesties high Commissioner, and of the Lords of secret Councel, Septem. 22. 1638. And by the acts of Councel, of the date foresaid, bearing that they subscribed the said Confession, and ordaining all his Majesties Liedges to subscribe the same, according to the foresaid date and tennour, and as it was then professed within this Kingdome, as likewise by the Protestation of some of the Senatours of the Colledge of justice, when they were required to subscribe, and by the many doubttings of his Majesties good Subjects, especially because the subscribers of the Confession in February 1638. are bound to suspend the approbation of the corruptions of the government of the Kirk, till they be tryed in a free generall Assembly; finding it proper for them, and most necessary and incumbent to them, to give out the true meaning thereof as it was at first professed, That all his Majesties Subjects in a matter, so important as is the publick Confession of Faith, so solemnly sworn and subscribed, may be of one minde, and one heart, and have full satisfaction to all their donbts, and that the posteritie afterward may be fully perswaded of the true meaning thereof, after earnest calling upon the name of God, so religiously attested in the said Confession; have entered into a diligent search of the registers of the Kirk, and books of the generall Assembly, which the greatest part of the Assembly had not seen before, and which by the speiall providence of God were preserved, brought to their hands, and publickly acknowledged to bee authentick, and have found that in the latter confession of the Kirk of

Scotland: "We professe, that we deteste all traditions brought into the Kirk without, or against the word of God, and doctrine of this reformed Kirk: *Next*, we abhorre and deteste all contrarie religion and doctrine, but chiefly, All kinde of papistry in generall, & particuler heads, as they were then damned & confuted by the word of God, and Kirk of Scotland, when the said Confession was sworn and subscribed, An. 1580. and 1581. 1590. and 1591. *Thirdly*, that we deteste the Romane Antichrist, his worldly monarchie, and wicked hierarchie: *Fourthly*, that we joyn our selves to this reformed Kirk in doctrine, Faith, Religion, & discipline, promising and swearing by the great name of GOD, that we shall continue in the Doctrine and Discipline of this Kirk, and defend the same according to our vocation and power all the dayes of our life."

But so it is that Episcopall government is abhorred and detested, and the government by Ministers and Elders, in Assemblies generall and provinciall, and Presbyteries was sworn to, and subscribed in subscribing that Confession, and ought to be holden by us, if we adhere to the meaning of the Kirk, when that Confession was framed, sworn to, and subscribed; unto which we are obliged by the nationall oath and subscription of this Kirk, as is evident by the acts of generall Assemblies, agreed upon both before, at, and after the swearing and subscribing of the said Confession, in the years above-mentioned, and the book of policie agreed upon in the Assembly which was holden at Edinburgh the twentie foure of April, and twentie foure of October, Anno 1578. Insert in the register of the Kirk, by ordinance of the Assembly holden at Glasgow 1581. and to be subscribed by all Ministers, that then did bear, or thereafter were to bear office in this Kirk, by ordinance of the Assembly holden the fourth of August at Edinburgh 1590. And at Edinburgh the second of July 1591. but specially in the 2. 3. 4. 6. 7. and 11, chapters of the said book.

The Bishops being tollerat from the year 1572, till the Assembly holden in August 1575. And all this time the Assembly being wearied with complaints made against them, did enter in search of the office it selfe, and did agree in this that the name of a Bishop is comen to every one of them that hath a particular flock, over which he hath a particular charge, as well to preach the word, as to minister the Sacraments.

At the next Assembly which was holden in April 1576. Such Bishops were censured as had not taken them to a particular flock. In the generall Assembly convened in April the year of God 1578. Sess. 4. Intimation was made as followeth.

"For so much as the heads of the policie being concluded and agreed upon in the last Assembly, by the most part of the brethren: certain of the brethren had some difficultie in the head *de diaconatu*, whereupon farther reasoning was reserved to this Assembly: It is therefore required, if any of the brethren have any reasonable doubt or argument to propoue, that he be ready the morrow, and then shall be heard and resolved." In the 6. Sess. April 26. According to the ordinance made the day before; all persons that had any doubt or argument to propone, were required to propone the same: but none offered to propone any argument on the contrare.

In the Assembly holden at Edinburgh, in October 1578, It was shoven by the Moderatour thereof to the noble-men, who were present, viz. My Lord Chancelour, the Earle of Montrose, my Lord Seaton, and my Lord Lindsay, "What care and study the Assembly had taken to entertain and



keep the puritie of the sincere word of God, un-mixed with the inventions of their own heads, and to preserve it to the posteritie hereafter, and seeing that the true Religion is not able to continue nor endure long without a good Discipline and policie, in that part also have they imployed their wit and studie, and drawn forth out of the pure fountain of Gods word, such a Discipline as is meet to remain in the Kirk."

In the same Assembly, the speciall corruptions were set down, which they craved such of the Bishops as would submit themselves to the Assembly to remove, with promise, that, if the generall Assembly, hereafter shall finde further corruptions in the said estate then hitherto are expressed, that they be content to be reformed by the said Assembly according to the word of God, when they shall be required thereto. First, "That they be content to bee Pastours and Ministers of one flock: That they usurpe no criminall jurisdiction, that they vote not in Parliament in name of the Kirk, without Commission from the Kirk: That they take not up for the maintenance of their ambition and riotousnesse, the emoluments of the Kirk, which may sustain many Pastours, the Schools, and the poore; but be content with reasonable livings according to their office: That they claime not to themselves the titles of Lords temporall, neither usurpe temporall jurisdictions, whereby they are abstracted from their office; That they empyre not above the particular Elderships, but be subject to the same: That they usurp not the power of the Presbyteries."

The question being proponed by the Synod of Louthian in the Assembly holden in July 1579. ament a generall order to be taken for erecting of Presbyteries in places where publick exercise is used, untill the time the policie of the Kirk be established by a law: It is answered, "The exercise may be judged to be a Presbyterie." In the Assembly holden at Dundie in July 1580. Sess. 4. The office of a Bishop was abolished by a particular act, as appeareth by the tennour of the act following.

"For so much as the office of a Bishop, as it is now used and commonly taken within this Realme, hath no sure warrand authoritie, nor good ground in the Scriptures, but is brought in by the foly and corruption of mans inventions, to the great overthrow of the Kirke of God, the whole Assembly of the Kirk in one voice after libertie given to all men to reason in the matter, none opponing himself in defending the said pretended office, findeth and declareth the said pretended office, used and termed, as is above said, unlawful in the selfe, as having neither fundament, ground nor warrand in the word of God, and ordaineth that all such persons, as brook or shall brook hereafter the said office, shall be charged simply to dimit, quite, and leave off the same, as an office whereunto they are not called of God: and suchlike, to desist and cease from all preaching, ministration of the Sacraments, or using any way the office of pastours, while they receive *de novo*, admission from the generall Assembly, under the pain of excommunication to be used against them, wherein if they be found disobedient, or contradict this act in any point, the sentence of excommunication, after due admouition, to be execute against them."

In the same Assembly holden Anno 1580. Sess. 10. This article was appointed to be proponed to the King and Councel, that the book of policie might be established by an act of privie Councel, "while a Parliament be holden, at which it might be confirmed by a law."

The extent of the act made at Dundie, was interpreted and explained in the Assembly, holden at Glasgow, in April 1581. Sess. 6. as followeth.

"Anent the Act made in the Assembly holden at Dundie against Bishops, because some difficultie appeared to some brethren to arise out of the word (office) contained in the said act, what should be meant thereby. The Assembly consisting for the most part of such as voted, and were present in the Assembly at Dundie, to take away the said difficultie, resolving upon the true meaning and understanding of the said act, declare that they meant wholly to condemne the whole estate of Bishops, as they are now in Scotland, and that the same was the determination and conclusion of the Assembly at this time, because some brethren doubted, whether the former act was to be understood of the *spirituall function* only, and others alledged, that the *whole office of a Bishop* as it was used, was damnable, and that by the said act, the Bishops should be charged to dimit the same: This Assembly declareth that they meant wholly to condemne the whole estate of Bishops, as they were then in Scotland, and that this was the meaning of the Assembly, at that time."

The Kings Commissioner presented to this Assembly the Confession of Faith, subscribed by the King, and his household, not long before, together with a plot of the Presbyteries to be erected, which is registrate in the books of the Assembly, with a letter to be directed from his Majestic to the noble-men and gentle-men of the Countrey, for the erection of Presbyteries, consisting of Pastours and Elders, and dissolution of Prelacies; and with an offer to set forward the Policie untill it were established by Parliament. The Kings letter subscribed by his hand, to the Noble-men, and Gentle-men, was read in open audience of the whole Assembly.

This Assembly ordained the book of Policie to be insert in the register by the act following.

"For as much as travels have been taken in the framing of the Policie of the Kirk, and diverse suits have been made to the Magistrat for approbation thereof, which yet have not taken the happie effect, which good men would wish, yet that the posteritie may judge well of the present age, and of the meaning of the Kirk; The Assembly hath concluded, that the book of Policie agreed to in diverse Assemblies before, should be registrat in the acts of the Kirk, and remaine therein *ad perpetuam rei memoriam*: and the coppies thereof to be taken to every Presbyterie: of which book the tennour followeth," &c.

Immediatly after the inserting of the book of Policie, called there the book of Discipline, the Assembly ordained that the confession of Faith be subscribed as followeth.

"Anent the confession of Faith lately set forth by the Kings Majestic, and subscribed by his highnesse. The Assembly in one voice, acknowledged the said Confession to be a true, Christian, and faithful confession, to be agreed unto by such as truly professe Christ, and have a care of Religion, and the tennour thereof to be followed out efoldly as the samine is laid out in the said Proclamation," wherein that Discipline is sworn to.

In the generall Assembly holden at Edinburgh in October 1581. Sess. 10. Mr. Robert Montgomery is accused for teaching that Discipline is a thing indifferent. Sess. 23. The Assembly gave commission to the Presbyterie of Stirling, to charge Mr. Robert Montgomerie, to continue in the ministerie of Stirling, and not to medle with any other office or function of the Kirk, namely, in aspyring to the



Bishoprick of Glasgow, against the word of God, and acts of the Kirk, under the pain of excommunication.

In the same Assembly it is acknowledged that the estate of Bishops is condemned by the Kirk, commission for erection of moe Presbyteries was renewed: and a new ordinance made for subscribing the confession of Faith, and to proceed against whatsoever persons that would not acknowledge and subscribe the same.

In the Assembly holden in April 1582. there was a new commission for erection of Presbyteries, where none was as yet erected, Mr Robert Montgomerie, pretending to be Bishop of Glasgow, was ordained to be deposed and excommunicat, except hee gave evident tokens of repentance, and promise to superseed, which he did not: and therefore he was excommunicat shortly after, according to the ordinance of this Assembly.

In the generall Assembly holden at Edinburgh, 1582. The generall Assembly gave commission to some Presbyteries, to try and censure such as were called Bishops, for the great slander arising by their impunitie. Commission was given at this Assembly to present some articles to the Councel and Estates, for approving and establishing by their authoritie the Presbyteries, the Synodall, and generall Assemblies. In the 19. Sess. The Assembly declared, that no Bishop may sit upon the Councell in name of the Kirk.

In the Assembly holden Anno 1586. These two articles were agreed upon. First: "It is found that all such as the Scripture appointeth governours of the Kirk, to wit Pastours, Doctours, and Elders, may convene to the generall Assemblies, and vote in Ecclesiasticall matters." Secondly: "There are foure office bearers set down to us by the Scriptures, to wit Pastours, Doctours, Elders, and Deacons, and the name of Bishop ought not to be taken as it hath been in time of Papistrie, but is common to all Pastours, and Ministers."

In the Assembly holden Anno 1587. Sess. 8. It was ordained that the admission of Mr. Robert Montgomerie by the Presbyterie of Glasgow, suppose to the temporalitie of the Bishoprick only, be undone and annulled with all possible diligence, to the effect slander might be removed from the Kirk. In Sess. 15. Mr. Robert Pont shewed the Kings presentation to the Bishoprick of Cathnes, & desired the judgment of the Assembly. The Assembly in their letter to the Kings Majestic, declared that they judged the said Mr. Robert to be a Bishop already according to the Doctrine of St. Paul: But as to that corrupt estate or office, of these who have been termed Bishops heretofore, they found it not agreeable to the word of God, and that it hath been damned in diverse Assemblies before.

In the instructions given to such as were appointed to wait upon the Parliament, it was ordained in the same Assembly Sess. 17. That they be carefull that nothing be admitted prejudiciall to the liberties of this Kirk, as it was concluded according to the word of God in the generall Assemblies, preceeding the year 1584. but precisely to seek the same to be ratified in the Assembly holden in March 1589, where the articles were made for subscribing the confession of Faith with the generall band, it was ordained as followeth.

"For so much as the neighbour Kirk in England, is understood to be heavily troubled, for maintaining of the true Discipline and government: whose grieves ought to move us. Therefore the Presbyterie of Edinburgh was ordained to comfort the said Kirk in the said matter."

In the Assembly holden 1590. when the confession of Faith was subscribed universally *de novo*, a ratification of the liberties of the Kirk, in her jurisdiction, discipline, Presbyteries, Synods, and generall Assemblies, and an abrogation of all things contrarie thereunto; was ordained to be sought both of the Councel and Parliament. In the next Session it was ordained that the book of Discipline, specially the contraverted heads, should be subscribed by all Ministers that bear, or hereafter was to bear office in this Kirk, and that they be charged by the Presbyteries, under the pain of excommunication: Seeing the word of God cannot be kept in sincerity, unlesse the holy Discipline be preserved. The Presbyteries were ordained to get a coppie under the Clerks hand; there were sundrie coppies subscribed by the Ministers in the Presbyteries yet extant, as Hadingtoun, Dumfermling, &c. produced before the Assembly.

In the Assembly 1591. Sess. 4. The former act anent the subscription to the book of Policie is renewed, and a penaltie imposed upon the Moderator, in case it be not put in execution.

In the Assembly 22 May 1592. Sess. 2. These articles were drawn up. "That the acts of Parliament made 1584 against the Discipline libertie and authoritie of the Kirk be annulled, and the samine discipline, whereof the Kirk hath been in practise, precisely ratified. That Abbots Pryors, and other Prelats pretending the title of the Kirk, be not suffered in time comming." In the 11. Session the number of the Presbyteries were given up, and insert in the Parliament immediatly following. The fifth of June 1592, the libertie, discipline, and jurisdiction of the true Kirk, in her Sessions, Presbyteries, Synodal and general Assemblies, is largely ratified, as the samine was used, and exercised within this Realme, and all the acts contrary thereto abrogat: The King's prerogative declared not to be prejudiciall to the same priviledges grounded upon the word of God; the former commissions to Bishops 1584, rescinded, and all Ecclesiasticall matters, subjected to Presbyteries, according to the discipline of this Kirk. Anno 1595, The book of Policie with other acts is ratified and ordained to be printed.

It was also cleared that Episcopacie was condemned in these words of the Confession, HIS VVICKED HIERARCHIE. For the Popish Hierarchie doth consist of Bishops, Presbyters, and Deacons, that is baptizing and preaching Deacons: For so it is determined in the councel of Trent, in the 4. chap. *De Sacramento ordinis, cant. 6.* \**Si quis dixerit in ecclesia Catholica non esse hierarchiam divina ordinatione institutam, quæ constat ex Episcopis, Presbyteris & ministris, anathema sit.* Bellarmine likewise in his book *De Clericis* cap. 11. saith, "That there are three hierarchies in the militant Kirk: The first of Bishops, the second of priests, the third of Deacons, and that the Deacons are also Princes, if they be compared with the people:" This proposition following; *Hierarchia ecclesiastica constat ex Pontifice, Cardinalibus, Archiepiscopis, Episcopis & Regularibus*, was censured by the Facultie of Theologie in the Universitie at Paris, as followeth, *In ista prima propositione enumeratio membrorum hierarchiæ ecclesiasticæ seu sacri principatus, divina ordinatione instituti est manea & redundans atque, inducens in errorem contrarium determinationi sacre Sinodi Tridentinæ:* The pro-

\* Censura propositionum quarundam ex Hibernia delatarum per sacram Facultatem Theologiæ Parisiensis facta.



position was defective, because it pretermitted the Presbyters and Deacons; it was censured as redundant, because it made the Hierarchie to consist of the Pope, Cardinals, Archbishops, and Regulars; the Pope is not within the Hierarchie, Primats, Metropolitans, and Archbishops, but as they are Bishops. Furthermore, this Hierarchie is distinguished in the confession from the Pope's monarchie. And howbeit this Hierarchie be called the Antichrist's Hierarchie, yet it is not to distinguish betwixt the Hierarchie in the Popish Kirk, and any other as lawful: But the Hierarchie, wheresoever it is, is called his, as the rest of the Popish corruptions are called his: To wit, *Invocation of Saints, canonization of Saints, dedication of Altars, &c.* are called his, not that there is another lawfull canonization, invocation, or dedication of altars: whatsoever corruption was in the Kirk, either in doctrine, worship, or government since the mistery of iniquitie began to work and is retained, and maintained, by the Pope, and obtruded upon the Kirk by his authority, are his. A passage also out of the history of the councell of Trent was alledged, where it is related, that the Councell would not define the Hierarchie by the seven orders: we have in our confession of Faith the manifold orders set apart and distinguished from the Hierarchie, but as it is set down in the canon above cited: We have in the book of Policie or second booke of Discipline, in the end of the second chapter, this conclusion agreed upon. *Therefore all the ambitious titles invented in the kingdom of Antichrist, and in his usurped HIERARCHIE which are not of one of these foure sorts, To wit, Pastours, Doctours, Elders, and Deacons, together with the offices depending thereupon, in one word ought to be rejected.*

All which and many other warrands being publickly read, and particularly at great length examined, and all objections answered in face of the Assembly, all the members of the Assembly being many times desired and required to propound their doubts, and scruples, and every one being heard to the full, and after much agitation as fully satisfied; the Moderatour at last exhorting every one to declare his minde, did put the matter to voicing in these terms:—"Whether according to the confession of faith, as it was professed in the year 1580. 1581. and 1590, there be any other Bishop, but a Pastour of a particular flock, having no preheminence nor power over his brethren, and whether by that Confession, as it was then professed, all other episcopacie is abjured, and ought to be removed out of this Kirk?" The whole Assembly most unanimously, without contradiction of any one (and with the hesitation of one allanerly) professing full perswasion of minde, did voice, *that all episcopacie different from that of a Pastour over a particular flock, was abjured in this Kirk, and to be removed out of it.* And therefore Prohibites under ecclesiasticall censure any to usurpe accept, defend, or obey the pretended authoritie thereof in time coming.

Act Sess. 17. December 10. 1638.

*The Assembly at Glasgow, declaring the five Articles of Perth to have been abjured and to be removed.*

THE Assembly remembering the uniformity of worship which was in this Kirk, before the articles of Perth, the great rent which entered at that time, and hath continued since, with the lamentable effects, that it hath produced, both against Pastours, and professors, the unlawfulness and nullitie of Perth Assembly already declared by this

Assembly, and that in the necessarie renewing of the confession of Faith in February 1638. the practise of novations introduced in the worship of God, was suspended, till they should be determined in a free generall Assembly: and that in the same year at his Majestie's command some had subscribed the confession of Faith, as it was professed when it was first subscribed: For these causes the Assembly entered into a diligent tryall of the foresaid articles, whether they be contrarie to the confession of Faith, as it was meant and professed in the year 1580. 1581. 1590. and 1591. And findeth that first in generall: In the confession of Faith we professe, "We willingly agree in our consciences to the forme of Religion, of a long time openly professed by the Kings Majestie, and whole body of this Realme, in all points, as unto God's undoubted truth and verity, grounded only upon his written word, and therefore abhor and deteste all contrary Religion and Doctrine, but chiefly, all kinde of papistrie, in generall and partieular heads, even as they were then damned and confuted by the word of God and Kirk of Scotland, and in speciall, the Romane Antichrist, his five bastard sacraments, with all rites, ceremonies, and false doctrine, added to the ministration of the true Sacraments, without the word of God, his cruell judgement against Infants departing without the Sacrament, his absolute necessitie of baptisme, and finally, we deteste all his vain allegories, rites, signes, and traditions brought into the Kirk without, or against the word of God, and doctrine of this true reformed Kirk, to the which we joyne our selves willingly in Doctrine, Faith, Religion, Discipline, and use of the holy Sacraments, as lively members of the same in Christ our Head; promising and swearing," &c. And that these five articles are contrarie to the Religion then professed, were confuted by the word of God, and Kirk of Scotland, or are rites, and ceremonies, added to the ministration, of the true Sacraments, without the word [of] God, or nourish the popish judgement against Infants departing without the Sacrament, or absolute necessitie, of Baptisme or rites, signes, and traditions brought into the Kirk, without or against the word of God, and doctrine of this true reformed Kirk.

And next, in particular, concerning festivall dayes, findeth, that in the explication of the first head, of the first book of Discipline, it was thought good that the feasts of Christmas, Circumcision, Epiphanie, with the feasts of the Apostles, Martyres, and Virgine Mary, be utterly abolished, because they are neither commanded nor warranted by Scripture, and that such as observe them be punished by civill Magistrats. Here utter abolition is craved, and not reformation of abuses only, and that because the observation of such feasts hath no warrant from the word of God. In the generall Assembly holden at Edinburgh, Anno 1566, the large confession of Helvetia was approved, but with speciall exception against the same five dayes, which are now urged upon us. It was not then the Popish observation only, with the Popish opinion of worship and merit, which was disallowed; (for so the reformed Kirk in Helvetia did not observe them) but, *simpliciter*, all observation. For this end was read a letter in Latine, sent at that time by some of our divines to certaine divines in these parts to this purpose. In the Assembly holden 1575, in August, complaint was made against the Ministers and Readers beside Aberdene; because they assembled the people to preaching and prayers upon certaine festivall dayes. So that preaching and prayers upon festivall dayes was judged rebukable. It was



ordained likewise, that complaint bee made to the Regent, upon the town of Drumfreis, for urging and conveying a Reader to the Kirk with Tabret and Whistle, to read Prayers, all the holy dayes of Christmas, upon the refusall of their own Reader. Among the articles directed by this Assembly to the Regent, It was craved that all holy dayes heretofore kept holy, beside the Lord's day, such as Yooleday, and Saint's dayes, and such others may bee abolished, and a certain penaltie appointed for banquetting, playing, feasting upon these dayes. In the Assembly holden in April, Anno 1577, It was ordained that the visitors, with the adviee of the Synodall Assembly, should admonish Ministers, preaching or ministrating the Communion at Easter, or Christmas, or other like superstitious times, or Readers reading, to desist, under the paine of deprivation. In the ninth head of the first book of Discipline, the reason is set down against Easter Communion. "Your honours are not ignorant how superstitiously the people run to that action at Pascheven; as if the time gave vertue to the Sacrament, and how the rest of the whole year, they are carelesse and negligent, as if it appertained not to them, but at that time only. And, for this reason, other times were appointed by that book, for that holy action." In the Assembly holden 1596, begun in March 1595, at which time the Covenant was renewed, superstition and idolatric breaking forth in observing festival dayes; setting out of bone-fires, singing earls, are reaked amongst the corruptions which were to be amended. And the Pulpits did sound from time to time, against all shew of observing any festivall day whatsoever, except the Lord's day.

Concerning *kneeling at the Communion*, findeth that in the confession of Faith prefixed before the Psalmes, and approved by our Kirk in the very beginning of the reformation, we have these words, "Neither in the ministration of the Sacraments, must we follow men; but as Christ himself hath ordained, so must they be ministred." In the large confession of Faith, chap. 23, It is required as necessary, for the right ministration of the Sacraments, that they bee ministred in such elements, and in such sort, as God hath appointed, and that men have adulterate the Sacraments with their own inventions. So that no part of Christ's action abideth in the originall puritie. The judgement of our reformers, who drew up the large Confession, was, by cleare evidents, shewed to be contrarie to this gesture in the act of receiving the Sacrament. In the order of celebrating the Lords Supper, prefixed before the Psalmes in meeter, *sitting and distributing by the Communicants*, are joined: as likewise by the second head of the first book of Discipline, as nearest to Christ's own action, and to his perfect practise, and most convenient to that holy action, and all inventions devised by man are condemned, as alterations and accusations of Christ's perfect ordinance. Ministers were enjoined by act of Assembly in December 1562. To observe the order of Geneva, that is, the English Kirk at Geneva, (where Master Knox had been some time Minister,) in the ministration of the Sacraments. This act was renewed in the Assembly, holden in December 1564, where ministers are referred to the order set down before the Psalmes, for ministration of the Sacraments; which is all one with the former; for that was the order of the English Kirk at Geneva.

In the Parliament holden Anno 1567, It was declared that whosoever did not partieipate of the Sacraments, as they were then publickly administrat

in this reformed Kirk ought not to be reputed members of this Kirk. The act for the Kings oath at his coronation, to maintain the due administration of the Sacraments, as they were then ministred, Anno 1567, was ratified Anno 1581. At which time the short Confession, adhering to the use of the Sacraments, in the Kirk of Scotland, was subscribed: as also Anno 1592. after the second Subscription to the confession of Faith. In the Parliament 1572, an act was made against such as did not partieipate of the Sacraments as they were then rightly ministred: But the gesture of kneeling in the act of receiving, putteth the ministration of the Sacraments used in this Kirk out of frame; whereby it is clear that whatsoever gesture or rite, cannot stand with the administration of the Sacraments as they were then ministred and were ministred ever since the reformation, till the year 1618. must bee condemned by our Kirk as a rite added to the true ministration of the Sacraments without the word of God, and as a rite or tradition brought in without, or against the word of God, or doctrine of this reformed Kirk.

III. Concerning *Confirmation*, The Assembly findeth it to be comprehended in the clause of the Confession, where the "five bastard Sacraments" are condemned. And seeing Episcopacie is condemned, imposition of hands by Bishops falleth to the ground. And in all the acts for catechising or examination before admission to the communion, no inking of imposition of hands.

IIII. Concerning the administration of the Sacraments in *private places*, or private baptisme, and private communion; findeth that in the book of common order, set down before the Psalmes, it is said, That the Sacraments are not ordained of God to be used in private corners, as charmers and sorcerers use to doe, but left to the Congregation. In the Assembly holden at Edinburgh in October Anno 1581. the same year and Assembly, that the confession of Faith was subscribed: It was ordained, that the Sacraments be not administrated in private houses. but solemnly according to good order hither-to observed. The Minister of Tranent was suspended at that time, for baptizing an infant in a private house: but confessing his offence, he was ordained to make his publick repentance in the Kirk of Tranent, before he be released. Another Minister was to be tried, and censured, for baptizing privately, and celebrating the Communion upon Pasch-day, at the Assembly holden in October 1580. Which acts and censures make manifest, that our Kirk abhorred whatsoever fostered the opinion of the necessitie of Baptisme, and giving of the Sacrament, as a *viaticum*.

All which, and many other acts, grounds, and reasons, being at length agitated, and with mature deliberation pondered, and libertie granted to every man to speak his minde; what could be said further, for the full satisfaction of all men.

The matter was put to voicing, in these words: "Whether the five articles of Perth, by the confession of Faith, as it was meant and professed in the year 1580. 1581. 1590. 1591. ought to be removed out of this Kirk?" The whole Assembly all in one consent, one onely excepted, did voice that the five articles above specified were abjured by this Kirk, in that Confession, and so ought to be removed out of it: And therefore prohibiteth and dischargeth all disputing for them, or observing of them, or any of them, in all time coming, and ordains Presbyteries to proceed with the censures of the Kirk against all transgressours.



Act Sess. 21. December 17. 1638.

**C**ONCERNING Kirk Sessions, provincially and nationall Assemblies, the generall Assembly considering the great defection of this Kirk, and decay of Religion, by the usurpation of the Prelates, and their suppressing of ordinarie judicatories of the Kirk, and clearly perceiving the benefit which will redound to the Religion by the restitution of the said judicatories, remembring also that they stand obliged by their solemne oath, and covenant with God, to return to the doctrine and discipline of this Kirk; as it was profest 1580, 1581, 1590, 1591. which in the book of Policie, registrat in the books of the Assembly 1581. and ordained to be subscribed, 1590, 1591. is particularly exprest both touching the constitution of the Assemblies, of their members, Ministers, and Elders, and touching the number, power and authority of these members, in all matters ecclesiastical.

The Assembly findeth it necessar to restore, and by these presents restoreth all these Assemblies unto their full integritie in their members, privileges, liberties, powers, and jurisdictions; as they were constitute by the foresaid book of Policie.

Act Sess. 23. 24. December 17. 18.

**A**NENT the report of the Committie, appointed for considering what constitutions were to be revived, or made of new, they proponed the overtures following: which were read and allowed by the whole Assembly, or by them referred to the consideration of the severall Presbyteries.

Anent Presbyteries which have been erected since the year 1586. It seemeth needfull, that they bee ratified by an act of this generall Assembly, and that other Presbyteries shall be erected, where they shall be found needfull, and especially now in the Synod of Lismore, according to the partiular note given there-anent.

The Assembly ratifieth these Presbyteries since 1586. and erected those in Lismore, conforme to the note registrat in the books of Assembly.

Anent the keeping of *Presbyteriall meetings*; It is thought fit that they be weekly, both in Sommer and Winter, except in places farre distant, who during the winter season, (that is between the first of October and the first of April) shall be dispensed with for meeting once in the fourteen dayes, and that all absents be censured, especially those who should exercise and adde, according to the Act of Assembly 1582. at St. Andrews, April 24. Sess. 12. and that some controverted head of doctrine bee handled in the presbyterie publikly, and disputed among the brethren, every first Presbyterie of the Moneth, according to the act of Assembly holden at Dundie 1598. Sess. 12.

The Assembly alloweth this Article.

Anent the *visitation of particular Kirks* within Presbyteries; it is thought expedient that it be once every year, wherein a care is to be had, among other things necessary, that it bee tryed, how domestick exercises of Religion be exercised in partiular families, and to see what means there is in every Parish in Landward, for catechising and instructing the youth.

The Assembly alloweth this article.

IIII. Anent the *visitation of Kirks, Schooles, and Colledges*: It is thought meet that the act of Assembly holden at Edinburgh the 25. of Iunie 1565.

Sess. 2. be put in execution, that the Minister of the parochin, the Principall, Regents, and professors within Colledges, and Masters, and Doctors of Schooles, be tryed concerning the soundnesse of their judgment in matters of Religion, their abilitie, for discharge of their calling, and the honesty of their conversation: as the act of Assembly at Edinburgh, Iuni 21. 1567. Sess. 3. And the act of the Assembly holden at Montrose 1595. Sess. 9. do import: and this visitation of Colledges to be by way of commission from the generall Assembly.

The generall Assembly alloweth this article.

V. Anent *none residents*: It is thought necessary, that every Minister be obliged to reside in his own Parochin at his ordinarie Manse, for the better attending of the duties of his calling, conforme to the Acts of Assemblies, viz. act of Assembly at Edinburgh, March 24. 1595. Sess. 7. as also act at Edinburgh, December 25. 1563. Sess. 5. and Assembly at Edinburgh, December 25. 1565. Sess. 4. Assemble at Edinburgh, March 6. 1572. Sess. 3.

The Assembly alloweth this article.

VI. Anent the *planting of Schools in Landward*, the want whereof doth greatly prejudice the growth of the Gospel, and procure the decay of Religion: The Assembly giveth direction to severall Presbyteries for the setting of Schooles in every Landward Parochin, and providing of men able for the charge of teaching of the youth, public reading and presenting of the Psalme, and the catechising of the common people, and that means be provided for their intertainment, in the most convenient manner that may be had, according to the abilitie of the Parochin.

The Assembly alloweth; and referreth the partiular course unto the severall Presbyteries.

VII. Anent the late *admission of Ministers by Presbyteries*, and the *choice of Moderatours*, according to the ancient power of the said Presbyteries: The Assembly declareth they had power to doe the same, and ratifieth that what hath been done of late of that kinde upon warrantable grounds, that here after it be not called in question.

The Assembly alloweth this article.

VIII. Anent the *competencie of Presbyteries and parochins*, that some proportion may be kept, both anent the number and distaunce of place: It would seem expedient that this generall Assembly should appoint a Commission for every Shyre, where there is such necessitie, that the particular Parochins and Presbyteries within the bounds be duly considered, and overtures be these of the same commission given into the provincially Synods, and by them to the generall Assembly, that there they may be advised, and ratified.

The Assembly referreth this to the care of the partiular presbyteries.

IX. Anent the *entrie and conversation of Ministers*: It is expedient that the act of Assembly holden at Edinburgh, March 24. 1595. Sess. 7. be ratified, and put in execution in every Presbyterie, and to that end, that they get a coppie thereof, under the Clerks hand whereof the tennour followeth.

"Act. Sess. 7. March 24. of the Assembly at Edinburgh 1595.

"Concerning the *defections in the ministerie*, the



same being at length read out, reasoned, and considered; The brethren concluded the same, agreeing there-with: and in respect that by Gods grace, they intend reformation, and to see the Kirk and ministry purged; to the effect the worke may have better successe, they think it neecessar that this Assembly be humbled, for wanting such care as became in such points, as is set down; and some zealous and godly brethren in doctrine, lay them out for their better humiliation; and that they make solempne promise before the Majestie of God; and make new covenant with him for a more carefull and reverent discharge of their ministerie. To the which effect was chosen Mr Iohn Davidson; and Tuesday next at nine houres in the morning appointed, in the new Kirk, for that effect: whereunto none is to resort, but the ministrie: the forme to be advised the morne in privie conference.

“The tennour of the advise of the brethren; depute for penning the enormities and corruptions in the ministerie, and remead thereof, allowed by the generall Assembly here convened. 1596.

*“Corruptions in the office.*

“For as much as by the too sudden admission and light tryall of persons to the ministrie, it cometh to passe that many scandals fall out in the persons of ministers: it would be ordained in time coming, that more diligent inquisition and triall be used of all such persons as shall enter into the ministrie.

“As specially these points. That the iutant shall be posed upon his conscience, before the great God, (and that in most grave manner,) what moveth him to accept the office and charge of the ministrie upon him.

“That it be inquired, if any by solistation, or moyen, directely or indirectely, prease to enter in the said office: And, if it be found, that the solister be repelled; and that the Presbyterie repell all such of their number from voting in the election or admission as shall be found moyeners for the solieiter, and posed upon their conscience to declare the truth to that effect.

“Thirdly, because by presentations, many forcibly are thrust into the ministry, and upon Congregations, that utter thereafter that they were not called by God: It would be provided that none seeke presentations to Benefices without advice of the Presbyterie within the bounds whereof the benefice is, and if any doe in the contrarie, they to be repelled as *rei ambitus*.

“That the tryall of persons to be admitted to the ministrie hercafter, consist not only in their learning and abilitie to preach, but also in conscience, and feeling, and spirituall wisdom, and namely in the knowledge of the bounds of their calling in doctrine, discipline, and wisdom, to behave himselfe accordingly with the diverse ranks of persons within his flock, as namely with Atheists, rebellious, weak consciences, and such other, wherein the pastorall charge is most kythed; and that he be meet to stop the mouthes of the adversaries: and such as are not qualified in these points to be delayed to further tryall; and while they be found qualified. And because men may be found meet for some places who are not meet for other, it would be considered, that the principall places of the Realme be provided by men of most worthie gifts, wisdom and experience, and that none take the charge of greater number of people nor they are able to discharge: And the Assembly to take order herewith, and the act

of the provinciall of Louthain, made at Linlithgow, to be urged.

“That such as shall be found not given to their book and studie of scriptures, not carefull to have books, not given to sanctification and prayer, that studie not to be powerfull and spirituall, not applying the doctrine to corruptious, which is the pastorall gift, obscure and too scholastick before the people, cold, and wanting of spirituall zeal, negligent in visiting of the sick, and caring for the poore; or indiscreet in choosing of parts of the word not meetest for the flock, flatterers and dissembling at publick sins, and specially of great personages in their congregations, for flattery, or for fear, that all such persons be censured, according to the degree of their faults, and continuing therein, be deprived.

“That such as be slothfull in the ministration of the Sacraments and irreverent, as prophaners receiving the cleane and unclean, ignorants and senselesse prophane, and making no conscience of their profession in their calling and families, omitting due tryall or using none, or light tryall, having respect in their tryall to persons, wherein there is manifest corruption; that all such be sharply rebuked, and if they continue therein, that they be deposed.

“And if any be found a seller of the Sacraments, that hee be deposed *simpliciter*: and such as eolude with slanderous persons in dispeusing and over-seeing them for money, incurre the like punishment. That every Minister be charged to have a Session established of the meettest men in his Congregation, and that Discipline strike not only upon grosse sins, as whoredome, blood-shed, &c. but upon sins repugnant to the word of God, as blasphemie of God, banning, profaning of the Sabbath, disobedient to parents, idle, unruly ones without calling, drunkards, and such like deboshed men, as make not conscience of their life and ruling of their families, and specially of education of their children, lying, slandering, and backbiting and breaking of promises: and this to be an universall order throughout the Realme, &c. and such like as are negligent herein, and continue therein after admonition, be deposed.

“That none falling in publick slanders, be received in the fellowship of the Kirk, except his Minister have some appearance and warrand in conscience, that hee hath both a feeling of sin, and apprehension of merie, and for this effect, that the Minister travell with him, by doctrine and private instruction, to bring him hereto, and specially in the doctrine of repentance, which, being neglected, the publick place of repentance is turned in a mocking.

“Dilapidation of benefices, dimitting of them for favour, or money, that they become laick patronages, without advise of the Kirk, and such like interchanging of benefices, by transaction and transporting of themselves by that occasion, without the knowledge of the Kirk, precisely to be punished. Such like, that setting of taeks without the consent of the Assembly, be punished according to the acts: and that the dimitters in favours for money, or otherwise to the effect above written; be punished as the dilapidators.

*“Corruptions in their persons and lives.*

“That such as are light and wanton in their behaviour, as in gorgeous and light apparell; in speech, in using light and prophane companie, unlawfull gaming, as daneing, earding, dyeing, and



such like, not be seeming the gravitie of a Pastour, bee sharply and gravely reproved by the Presbyterie, according to the degree thereof: and continuing therein after due admonition, that hee bee deprieved, as slanderous to the Gospel.

"That Ministers being found swearers, or banners, prophaners of the Sabbath, drunkards, fighters, guiltie of all these or any of them, be deposed simpliciter; and such like, lyars, detractors, flatterers, breakers of promise, brawlers, and quarrellers, after admonition continuing therein, incurre the same punishment.

"That Ministers given to unlawful and incompetent trades and occupations for filthie gain, as holding of ostleries, taking of ocker beside conscience and good lawes, and bearing worldly offices in noble-men and gentlements houses, merchandise, and such like, buying of victuals, and keeping to the dearth, and all such worldly occupations, as may distract them from their charge, and may be slanderous to the pastorall calling, be admonished and brought to the acknowledging of their sins, and if they continue therein, to be deposed.

"That Ministers not resident at their flocks, be deposed according to the Acts of the generall Assembly, and lawes of the Realme: otherwise the burthen to be laid on the Presbyteries, and they to be censured therefore.

"That the Assembly command all their members, that none of them await on the court and affairs thereof, without the advice and allowance of their Presbyterie. Item, that they intend no action civill without the said advice, except in small matters; and for remedying of the necessitie, that some Ministers hath to enter in plea of law, that remedie bee craved, that short processe bee devised, to be used in Ministers actions.

"That Ministers take special care in using godly exercises in their families, in teaching of their wives, children, and servants, in using ordinarie prayers and reading of Scriptures, in removing of offensive persons out of their families, and such like other points of godly conversation, and good example, & that they, at the visitation of their Kirks, try the Ministers families in these points foresaid, and such as are found negligent in these points after due admonition, shall be adjudged unmeet to govern the house of God, according to the rule of the Apostle.

"That Ministers in all companies strive to bee spirituall and profitable, and to talke of things pertaining to godlinesse, as, namely, of such as may strengthen us in Christ, instruct us in our calling, of the means how to have Christs Kingdome better established in our Congregations, and to know how the Gospel flourisheth in our flocks, and such like others the hinderances, and the remedies that we finde, &c., wherein there is manifold corruptions, both in our companying with our selves, and with others: and that the contraveyners thereof be tried, and sharply be rebuked.

"That no Minister be found to contenance, procure, or assist a publick offender challenged by his own Minister, for his publick offence, or to bear with him, as though his Minister were too severe upon him, under the pain of admonition and rebuking.

*"Anent generall Assemblies.*

"To urge the keeping of the Acts anent the keeping of the Assembly, that it may have the own reverence and majestie."

The Assembly having heard the whole act read, most unanimously alloweth and approveth this article.

X. Anent the defraying of the expenses of the Commissioners to the generall Assembly, referreth and recommendeth the same unto the particular Presbyteries, and especially to the ruling Elders therein, that they may take such courses whereby, according to reason and former acts of Assemblies, the Commissioners expenses to this Assembly, and to the subsequent, may be born by the particular parochins of every Presbyterie, who sendeth them in their name, and to their behalf, and for that effect, that all sort of persons able in land or moneys proportionally, may bear a part of the burthen, as they reap the benefit of their paines.

The Assembly referreth this unto the care of the particular Presbyteries.

XI. Anent the *repressing of poperie and superstition*; It seemeth expedient that the number and names of all the Papists in this Kingdome be taken up at this Assembly, if it may be conveniently done, and if not, that it be remitted to the next provincial Assemblies, that it may appear what growth poperie hath had, and now hath through this Kingdome, what popish priests, and Iesuits there born in the land; and that all persons of whatsoever state and condition, be obliged to swear and subscribe the confession of Faith, as it is now condescended upon by this generall Assembly, that they frequent the word and Sacraments in the ordinar dyets and places, otherwise to proceed against them with the censures of the Kirk, and that children be not sent out of the countrey without licence of the Presbyteries or provincial Synods of the bounds where they dwell.

The Assembly referreth this article to the severall Presbyteries.

XII. Anent order to be taken that the Lords Supper be more frequently administrat both in burgh and landward, then it hath been in these years by-gone: It were expedient that the act at Edinburgh December 25. 1562. Sess. 5. be renewed, and some course bee taken for furnishing of the elements, where the Minister of the Parish hath allowance only for once in the year.

The Assembly referreth this to the consideration of Presbyteries, and declareth that the charges be rather payed out of that dayes collection, then that the Congregation want the more frequent use of the Sacrament.

XIII. Anent the entrie of Ministers to the ministrie: The Assembly thinks expedient that the act holden at St. Andrews April 24. 1532. Sess. 7. Touching the age of twenty five years be renewed, and none to be admitted before that time, except such as for rare and singular qualities, shall be judged by the generall or provincial Assembly to be meet and worthie thereof.

The Assembly approveth this article.

XIV. Anent mercats on Monday and Saturday within Burghs, causing intollerable profanation of the Lords Day, by carying of loads, bearing of Burthens; and other work of that kinde: It were expedient for the redresse thereof, that the care for restraining of this abuse be recommended by the Assembly unto the severall Burghs, and they to bee earnestly entreated to finde out some way for the repressing of this evill, and elanging of the day, and to report their diligence thereanent to the next generall Assembly.

The Assembly referreth this article to the consideration of the Burrows.



XV. Anent the profanation of the Sabbath-day in Laudward, especially for want of divine service in the afternoon: The Assembly ordaineth the act of Assembly holden at Dundie, July 12. 1580. Sess. 10. for keeping both dyets, to be put in execution.

The Assembly alloweth this article.

XVI. Anent frequenting with excommunicat persons: The Assembly ordaineth that the act at Edinburgh, March 5. 1569. Sess. 10. to wit, "That these who will not forbear the companie of excommunicat persons after due admonition, be excommunicat themselves except they forbear," to be put in execution.

The Assembly alloweth this article.

XVII. Whereas the confession of the Faith of this Kirk, concerning both Doctriue and Discipline, so often called in question by the corrupt judgment and tyrannous authoritie of the pretended Prelats, is now clearly explained, and by this whole Kirk represented by this generall Assembly concluded, ordained also to bee subscribed by all sorts of persons within the said Kirk and Kingdome: The Assembly constitutes, and ordaines, that from henceforth no sort of persou, of whatsoever quality and degree, be permitted to speak, or write against the said Confession, this Assembly, or any act of this Assembly, and that under the paine of incurring the censures of this Kirk.

The Assembly alloweth this article.

XVIII. Anent voicing in Kirk Sessions: It is thought expedient that no Minister moderating his Session, shall usurpe a negative voice over the members of his Session, and where there is two or moe Ministers in one Congregation, that they have equall power in voicing, that one of them hinder not the reasoning or voicing of any thing, whereunto the other Minister or Ministers, with a great part of the Session inclineth, being agreeable to the acts and practise of the Kirk, and that one of the Ministers without advice of his colleague appoint not dyets of Communion nor examination, neither hinder his colleague from catechising and using other religious exercises as oft as he pleaseth.

The Assembly referreth this article to the care of the Presbyteries.

XIX. Since the office of Diocesane, or lordly Bishop, is all-uterly abjured, and reomoved out of this Kirk: It is thought fit that all titles of dignitie, savouring more of poperie than of Christian libertie, as Chapters with their elections and consecrations, Abbots, Pryors, Deans, Arch-deacons, Preaching-deacons, Chanters, Subchanters, and others having the like title, flowing from the Pope and canon law only, as testifieth the second book of Discipline, bee also banished out of this reformed Kirk, and not to bee usurped or used hereafter under ecclesiasticall censure.

The Assembly alloweth this Article.

XX. Anent the *presenting either of Pastours or Readers and School-masters*, to particular Congregations, that there be a respect had to the Congregation, and that no person be intruded in any office of the Kirke, contrare to the will of the congregation to which they are appointed.

The Assembly alloweth this article.

XXI. Anent *Marriage without proclamation of bans*, which being in use these years by-gone hath

produced many dangerous effects: The Assembly would discharge the same, conforme to the former acts, except the Presbyterie in some necessarie exigents dispense therewith.

The Assembly alloweth this article.

XXII. Anent the *buriall in Kirks*, the Assembly would be pleased to consider anent the act of Assembly at Edinburgh 1588. Sess. 5. if it shall be put in execution, and to discharge funerall sermons, as savouring of superstition.

The Assembly referreth the former part of this article anent buriall in Kirks to the care of Presbyteries, and dischargeth all funerall sermons.

XXIII. Anent the *tryall of Expectants* before their entrie to the ministrie, it being notour that they have subscribed the confession of Faith now declared in this Assembly, and that they have exercised often privatly, and publickly, with approbation of the Presbyterie, they shall first adde and make the exercise publicly, and make a discourse of some common head in Latine, and give propositions thereupon for dispute, and thereafter be questioned by the Presbyterie upon questions of controversie, and chronologie, anent particular texts of Scripture how they may be interpreted according to the analogie of Faith, and reconciled, and that they be examined upon their skill of the Greek and Hebrew, that they bring a testificat of their life and conversation from either Colledge or Presbyterie, where they reside.

The Assembly alloweth this article.

XXIV. The Assembly having considered the order of the provincial Assemblies, given in by the most ancient of the Ministrie within every Province, as the ancient plateforme thereof, ordained the same to be observed conforme to the roll, registrat in the books of Assembly, whereof the tennour followeth.

*The order of the PROVINCIAL ASSEMBLIES in Scotland, according to the Presbyteries therein contained.*

1. *The Provinciall Assembly of MERS and TIVIDAILL.*

The Presbyteries of	{ Dunc. Chirnside. Kelso. Erstiltoun. Jedburgh. Melros.	The bounds.	{ Mers. Tividail. The Forrest. Lauderdail.	{ To meet the first time at Jedburgh, the third Tnesday of April.
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2. *The Provinciall of LOUTHIAN.*

The Presbyteries of	{ Dumbar. Haddingtoun. Dalkeith. Edinburgh. Febles. Linlithgow.	The bounds.	{ e. Louthian. w. Louthian. Tweeddaill.	{ To meet the first time at Edinburgh the third Tnesday of April.
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3. *The Provinciall of PERTH.*

The Presbyteries of	{ Perth. Dunkel. Aughterar- dor. Striviling. Dumblane.	The bounds.	{ The Shyref. dome of Perth and of Striviling Shire.	{ To meet the first time at Perth, the second Tnesday of April.
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4. *The Province of DRUMFREES.*

The Presbyteries of	{ Dumfrees. Penpont. Lochma- bane. Middilbee.	The bounds.	{ Niddisdaill. Annandail. Ewsdaill. Eskdaill. Wachopdaill & a part of Galloway.	{ To meet the first time at Drumfrees, the second Tnesday of April.
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5. *The Provinciall of GALLOWAY:*

The Pres- byteries of	{ Wigtoun. Kirkubright. Stranraver.	The bounds. {	{ The Shyref- dome of Wig- toun, and Stewartie of Kirkubright. }	{ To meet the first time at Wigtoun, third Tuesday of April.

*The Provinciall Synod of AIRE or IRWING.*

The Pres- byteries of	{ Aire. Irwing.	The bounds. {	{ The Shyref- dome of Aire }	{ To meet with the Provincial Synod of Glasgow <i>pro hac</i> <i>vice</i> , the first Tues- day of April.

6. *The Provinciall Synod of GLASGOW.*

The Pres- byteries of	{ Pasley. Dumbarton. Glasgow. Hamiltoun. Lanerik.	The bounds. {	{ The Shyr. of Lennox, the Barreny of Renfrow, the Shy. of Clyds- dale over and nether.	{ To meet with the Provincial Synod at Glasgow, <i>pro</i> <i>hac vice</i> .

7. *The Provinciall Synod of ARGYL, desired to bee erected in several Presbyteries, according to the note given in.*

The Pres- byteries of	{ Dunnune. Kinloch. Inneraray Kilmuir. Skye.	The bounds. {	{ The Shyrif- domes of Ar- gil & Boot, with a part of Loohabar. }	{ To meet the first time at Inneraray, the 4 Tuesday of April.

8. *The Provinciall Synod of FIFE:*

The Pres- byteries of	{ St Andrews. Cowper. Kirkadie. Dunferling.	The bounds. {	{ The Shyref- dome of Fife. }	{ To meet the first time at Cowper in Fife the first Tues- day of April.

9. *The Provinciall Synod of ANGUS and MERNS.*

The Pres- byteries of	{ Meegle. Dundie. Arbroth. Forfair, Bre- chen, Merns.	The bounds. {	{ The Shyref- domes of Forfair and Merns. }	{ To meet the first time at Dundie, the third Tuesday of April.

10. *The Provinciall Synod of ABERDENE.*

The Pres- byteries of	{ Aberdene. Kincairdin. All-foord. Gairioch. Ellan Deer. Turreffe. Fordyce.	The bounds. {	{ The Shyref- domes of Aberdene and Bamfe. }	{ To meet the first time at new Aber- dene, the 3 Tues- day of April.

11. *The Provinciall Synod of MURRAY.*

The Pres- byteries of	{ Innernes. Forresse. Elgin. Strabogie. Abernethie. Aberlower.	The bounds. {	{ The Shyref- domes of In- nernes in part, Nairn in part, Murray, Bamf in part, Aber- den in part. }	{ To meet the first time at Forresse, the last Tuesday of April.

12. *The Provinciall Synod of ROSSE:*

The Pres- byteries of	{ Chanrie. Taine. Dingwall.	The bounds. {	{ The Shyref- dome of In- nernes in part. }	{ To meet the first time at Chaurie, the 2 Tuesday of April.

13. *The Provinciall Synod of CATHNES.*

The Pres- byteries of	{ Dornoch. Weeke or Thurso.	The bounds. {	{ Cathnes. Sutherland. }	{ To meet the first time at Dornoch, the third Tues- day of April.

14. *The Provinciall Synod of ORKNEY and ZETLAND.*

The Pres- byteries of	{ Kirkwall. Scalloway.	The bounds. {	{ The Shref. dome of Orkney and Zetland. }	{ To meet the first time at Kirkwall, the second Tues- day of April.

15. *The Provinciall Synod of the Isles.*

All the Kirks of the North west Isles, viz. Sky, Lewes, and the rest of the Isles, which were lyable to the Diccie of the Isles, except the South-west isles which are joynd to the Presbyteries of Argyll, To meet the first time at Skye the second Tuesday of May.

That the Minister of the place where the Synodall Assembly meets shall preach the first day of their meeting, and give timouse advertisement to the rest of the Presbyteries.

It is remembered that of old the Synodall Assemblies that were nearest to others, had correspondence among themselves, by sending one or two Commissioners mutually from one to another, which course is thought fit to be kept in time coming: viz. The Provincials of Louthian, and Mers, &c. The Provincials of Drumfries, Galloway, Glasgow, and Argyll, The Provincials of Perth, Fyfe, and Angus, &c. The Provincials of Aberdein and Murray. The Provincials of Rosse, Caithnes, and Orkney. The Commissioners for correspondence amongst the Synodals to be a Minister and a ruling Elder.

The Assembly recommendeth to the severall Presbyteries the execution of the old acts of Assemblies, against the break of the Sabbath-day, by the going of Milles, Salt-pans, Salmond-fishing, or any such-like labour, and to this end revives and renews the act of the Assembly, holden at Halyrudehouse 1602. Sess. 5. whereof the tennour followeth.

"The Assemblie considering that the conventions of the people, specially on the Sabbath-day, are verie rare in manie places, by distraction of labour, not only in Harvest and Seed-time, but also every Sabbath by fishing both of white fish and Salmond fishing, and in going of Milles: Therefore the Assemblie, dischargeth and inhibiteth, all such labour of fishing as-well whyte fish as Salmond-fish, and going of Miles of all sorts upon the Sabbath-day, under the paine of incurring the censures of the Kirk. And ordains the Commissioners of this Assemblie to meane the same to his Majestie, and to desire that a pecuniall paine may be injoyned upon the contraveeners of this present act."

Act Sess. 24. December 18. 1638.

THE Assembly considering the great necessity of purging this land from bygone corruptions, and of preserving her from the like in time coming, ordaineth the Presbyteries to proceed with the censures of the Kirk, to excommunication, against those Ministers who being deposed by this Assembly acquiesces not to their sentences, but exercise some part of their Ministeriall function, refuseth themselves, and with-draw others from the obedience of the acts of the Assembly.

Act Sess. 25. December 19. 1638.

*Against the civill places and power of Kirk-men.*

THE generall Assembly, remembering that among other clauses of the application of the confession of Faith to the present time, which was subscribed in Februarie 1638. The clause touching the civill places and power of Kirk-men, was referred unto the tryall of this Assembly; entered into a serious search thereof, especially of their sitting on the bench, as Iustices of peace, their sitting in Session and Councell, their ryding and voting in



Parlament: and considering how this vote in Parlament, was not at first sought nor requyred by this Kirke, or worthy men of the Ministerie, but being obtruded upon them, was disallowed for such reasons as could not well be answered (as appeareth by the conference, holden at Halyrude-house 1599. which with the reasons therein contained was read in the face of the Assembly) & by plurality of voices not being able to resist that enforced favour, they foreseeing the dangerous consequences thereof, in the Assembly at Montrose did limitate the same by many necessare cautions: Considering also the protestation made in the Parliament 1606. by Commissioners from Presbyteries, and provinciall Assemblies, against this restitution of Bishops to vote in Parlament, and against all civill offices in the persons of Pastors, separate unto the Gospel, as incompatible with their spirituall function; with the manifold reasons of that Protestation from the word of God, ancient Councils, ancient and moderne Divines, from the Doctrine, discipline, and Confession of Faith of the Kirk of Scotland, which are extant in print, and were read in the audience of the Assembly: Considering also from their own experience the bad fruits and great evils, which have been the inseparable consequents of these offices, and that power in the persons of Pastors separate to the Gospel, to the great prejudice of the freedome and libertie of the Kirk, the jurisdiction of her Assemblies, and the powerfull fruits of their spirituall Ministerie; The Assembly most unanimously in one voice, with the hesitation of two allanerly, declared, that as on the one part the Kirk and the Ministers thereof are oblidged to give their advise and good counsell in matters concerning the Kirk or the Conscience of any whatsomever, to his Majestie, to the Parlament to the Councell, or to any member thereof, for their resolutions from the word of God, So on the other part, that it is both inexpedient, and unlawful in this Kirk, for Pastors separate unto the Gospel to brook civil places, and offices, as to be Iustices of peace; sit and decerne in Councell, Session, or Exchequer; to ryde or vote in Parlament, to be Iudges or Assessors in any Civill Judicatorie: and therefore rescinds and annuls, all contrarie acts of Assembly, namely of the Assembly holden at Montrose 1600. which being prest by authority, did rather for an *interim* tolerat the same, and that limitate by many cautions, for the breach whereof the Prelats have been justly censured, then in freedome of judgement allow thereof, and ordaineth the Presbyteries to proceed with the Censures of the Kirk, against such as shall transgresse herein in time comming.

Act Sess. 26. December 20. 1638.

**T**HE Assembly considering the great prejudice which God's Kirk in this land, hath sustained these years bypast, by the unwarranted printing of lybels, pamphlets, and polemicks, to the disgrace of Religion, slander of the Gospel, infecting and disquieting the mindes of God's people, and disturbance of the peace of the Kirk, and remembring the former acts, and custome of this Kirk, as of all other Kirks, made for restraining these and the like abuses, and that nothing be printed concerning the Kirk, and Religion, except it be allowed by these whom the Kirk intrusts with that charge: The Assembly unanimously, by vertue of their ecclesiastical authority, dischargeth and inhibiteth all printers within this Kingdome, to print any act of the former Assemblies, any of the acts or proceedings, of this

Assembly, any confession of Faith, any Protestations, any reasons *pro* or *contra*, anent the present divisions and contraversies of this time, or any other treatise whatsoever which may concerne the Kirk of Scotland, or God's cause in hand, without warrand subscribed by Mr Archibald Iohnston, as Clerk to the Assembly, and Advocate for the Kirk; or to reprint without his warrand, any acts or treatises foresaids, which he hath caused any other to print, under the paine of Ecclesiasticall censures to be execute against the transgressours by the several Presbyteries, and in case of their refusal, by the several Commissiones from this Assembly: Whereunto also we are confident, the honourable Iudges of this land will contribute their civill authority: and this to be intimat publickly in pulpit, with the other generall acts of this Assembly.

Act Sess. 26. December 20. 1638.

**T**HE general Assembly ordaineth all Presbyteries and Provinciall Assemblies to conven before them, such as are scandalous and malicious, and will not acknowledge this Assembly, nor acquiesce unto the acts thereof: And to censure them according to their malice and contempt, and acts of this Kirk; and where Presbyteries are refractarie, granteth power unto the several Commissions to summond them to compear before the next generall Assembly to be holden at Edinburgh, the third Wedinsday of Iulie, to abide their tryall and censure.

Act. Sess. 26. December 20. 1638.

**T**HE Assembly considering the acts and practise of this Kirk in her purest times, that the Commissioners of every Presbyterie, Burgh, and Universitie, were both ordained to take, and really did take from the Clerk the whole generall acts of the Assembly, subscribed by the Clerk: Whereby they might rule and conforme their judicatorie themselves, and all persons within their jurisdictions, unto the obedience thereof: Considering the great prejudices we have lately felt out of ignorance of the acts of Assembly, Considering also the great necessity in this time of reformation, beyond any other ordinarie time, to have an extract thereof: The Assembly ordaineth be this present act, that all Commissioners from Presbyteries, Burghs, and Universities, presently get under the Clerks hand an Index of the acts, till the acts themselves be extracted, and thereafter to get the full extract of the whole generall acts, to be insert in their Presbyterie books, whereby all their proceedings may be regulate in time coming. Likeas the Assembly recomendeth unto every Kirk Session, for the preservation of their particular Paroch from the reentrie of the corruptions now discharged, and for their continuance in the Covenant, anent doctrine, worship, and discipline now declared, to obtain an extract of these acts: especially if they be printed: Seeing their pryce will no wayes then be considerable: as the benefite both of the particular Parish, and the interest of the whole Kirk, in the preservation thereof from defection is undeniable: seeing Presbyteries are composed of sundry parochins, and so must be affected, or infected as they are, as Provinciall and generall Assemblies, are composed of Presbyteries, and so must be disposed as they are.



Act Sess. 26. December 20.

*In the Assembly at Glasgow 1638. concerning the confession of Faith renewed in Februar, 1638.*

THE Assembly considering that for the purging and preservation of religion, for the Kings Majesties honour, and for the publick peace of the Kirk and Kingdome, the renewing of that nationall Covenant and oath of this Kirk and Kingdome, in Februar 1638. was most necessare, likeas the Lord hath blessed the same from Heaven with a wonderfull successe for the good of religion, that the said Covenant suspendeth the practise of novations already introduced, and the approbation of the corruptions of the present government of the Kirk, with the civill places, and power of Kirkmen, till they be tryed in a free generall Assembly, and that now after long and serious examination, it is found that by the confession of Faith, the five articles of Perth, and Episcopall government are abjured and to be removed out of this Kirk, and the civill places and power of Kirk-men are declared to be unlawfull; The Assembly alloweth and approveth the same in all the heads and articles thereof, And ordaineth that all Ministers, Masters of Universities, Colledges, and Schooles and all others who have not already subscribed the said Confession and Covenant, shall subscribe the same with these words prefixed to the subscription, viz. The article of this Covenant which was at the first subscription referred to the determination of the general Assembly being now determind at Glasgow, in December 1638. and thereby the five articles of Perth, and the government of the Kirk by Bishops, being declared to be abjured and removed, the civill places and power of Kirk-men declared to be unlawfull; We subscribe according to the determination, of the said free and lawfull geuerall Assembly holden at Glasgow: and ordaineth, *ad perpetuam rei memoriam*, the said Covenant with this declaration to be insert in the registers of the Assemblies of this Kirk; generall, Provinciall and Presbyteriall.

Act Sess. 26. December 20. 1638.

*Concerning the subscribing the confession of Faith lately subscribed by his Majesties Commissioner, and urged to be subscribed by others.*

SEEING the generall Assembly, to whom belongeth properly the publick and judieiall interpretation of the confession of Faith, hath now after accurat tryall, and mature deliberation clearly found, that the five articles of Perth, and the government of the Kirk by Bishops, are abjured by the confession of Faith, as the same was professed in the year 1580. and was renewed in this instant year 1638. And that the Marques of Hamiltoun his Majesties Commissioner hath caused print a Declaration, bearing that his Majesties intention and his own, in causing subscribe the confession of Faith, is no wayes to abjure, but to defend Episcopall government, and that by the oath and explanation set down in the act of Councel, it neither was nor possibly could be abjured, requiring that none take the said oath, or any other oath in any sense, which may not consist with Episcopall government: which is directly repugnant to the genuine and true meaning of the foresaid Confession as it was professed in the year 1580. as is clearly now found and declared by the generall Assembly: Therefore the generall Assembly: Doth humbly supplicate, that his Majestie may be graciously pleased, to acknowledge and approve

the foresaid true interpretation, and meaning of the generall Assembly, by his Royall warrant to his Majesties Commissioner, Councell, and Subjects, to be put in record for that effect, whereof we are confident, after his Majesty, hath received true information from this Kirk, honoured with his Majesties birth and baptism, which will be a royall testimonie of his Majesties piety and justice, and a powerfull meane to procure the heartie affection and obedience of all his Majesties loyall Subjects: And in the meane time, least any should fall under the danger of a contradictorie oath, and bring the wrath of God upon themselves and the land, for the abuse of his Name and Covenant; The Assembly by their Ecclesiasticall authority, prohibiteth and dischargeth, that no member of this Kirk swear or subscribe the said Confession, so far wreasted to a contrare meaning, under paine of all Ecclesiasticall censure: but that they subscribe the confession of Faith, renewed in Februar, with the Declaration of the Assembly set down in the former Act.

Act Sess. 26. December 20. 1638.

*Concerning yearly generall Assemblies.*

THE Assembly having considered the reasons lately printed for holding of generall Assemblies, which are taken from the light of nature, the promise of Iesus Christ, the practise of the holy Apostles, the doctrine and custome of other reformed Kirks, and the liberty of this nationall Kirk, as it is expressed in the book of Policie, and acknowledged in the act of Parliament 1592, and from recent and present experience, comparing the lamentable prejudices done to religion, through the former want of free and lawfull Assemblies, and the great benefite arysing to the Kirk, from this one free and lawfull Assembly; finde it necessary to declare, and hereby declares, that by Divine, Ecclesiasticall, and Civill warrands, this national Kirk hath power and liberty to assemble and convene in her yearly generall Assemblies, and oftner *pro re nata*, as occasion and necessity shall require. Appointeth the next Generall Assembly to sit at Edinburgh, the third Weddinsday of Iulie 1639. And warneth all Presbyteries, Universities, and Burghes, to send their Commissioners for keeping the same. Giving power also to the Presbiterie of Edinburgh, *pro re nata*: and upon any urgent and extraordinarie necessity (if any shall happen before the diet appointed in Iulie) to give advertisement to all the Presbyteries, Universities, and Burghes, to send their Commissioners for holding an occasional Assembly. And if in the meane time it shall please the Kings Majestie to indict a generall Assembly, ordaineth all Presbyteries, Universities, and Burghes, to send their Commissioners for keeping the time and place which shall be appointed by his Majesties Proclamation.

Act Sess. 26. December 20.

*Ordaining an humble supplication to be sent to the King's Majestie.*

THE Assembly, from the sense of his Majesties pietie and justice, manifested in the publick indiction of their solenne meeting, for the purging and preservation of Religion, in so great an exigent of the extreame danger of both, from their fears arising out of experience of the craftie and malicious dealing of their adversaries in giving sinistrous informations against the most religious and loyall designs and doings of his Majesties good Subjects,



and from their earnest desire to have his Majestie truly informed of their intentions and proceedings, from themselves, who know them best, (which they are confident, will be better beleaved, and finde more credite with his Majestie, than any secret surmise or private suggestion to the contrarie) that they may gaine his Majesties princely approbation and ratification in the ensuing Parliament to their constitutions: Hath thought meet and ordaineth, that an humble supplication be directed to his Majestie, testifying their most heartie thankfullnesse for so Royall a favour, as at this time hath refreshed the whole Kirk and Kingdome, stopping the way of calummie, and humbly supplicating for the approbation, and ratification foresaid: That truth and peace may dwell together in this Land, to the increase of his Majesties glorie, and the comfort and quietnesse of his Majesties good People: This the Assembly hath committed, according to the Articles foresaid, to be subscribed by their Moderatour and Clerk, in their name. The tennour whereof followeth.

*To the KINGS MOST EXCELLENT MAJESTIE:*

*The humble Supplication of the generall Assembly of the Kirk of Scotland, convened at Glasgow, November 21. 1638.*

**MOST GRACIOUS SOVERAIGNE,**

We your Majesties most humble and loyall Subjects, The Commissioners from all the parts of this your Majesties ancient and native Kingdome, and members of the National Assembly, convened at Glasgow, by your Majesties special indiction, considering the great happinesse which ariseth both to Kirk and Common-wealth, by the mutual embracements of Religion and Iustice, of truth and peace, when it pleaseth the Supream Providence so to dispose, that princely power and ecclesiasticall authoritie joyne in one, do with all thankfulnessse of heart acknowledge, with our mouthes doe confesse, and not only with our pennes, but with all our power are readie to witnesse unto the world, to your Majesties never dying glorie, how much the whole Kingdome is affected and not only refreshed, but revived, with the comfortable sense of your Majesties pietie, justice, and goodness, in hearing our humble supplications, for a full and free generall Assembly: and remembring that for the present, a more true and real testimonie of our unfained acknowledgement, could not proceed from us your Majesties dutyfull Subjects, then to walke worthie of so royall a favour: It hath been our greatest care and most serious endeavour, next unto the will of IESUS CHRIST, the great King of his Kirk redeemed by his own blood, in all our proceedings, joyned with our hearty prayers to GOD, for a blessing from heaven upon your Majesties Person and government, from the first houre of our meeting, to carie our selves in such moderation, order and loyaltie, as becomed the subjects of so just and gracious a King, lacking nothing so much as your Majesties personall presence; With which had we been honoured and made happie, we were confident to have gained your Majesties Royall approbation to our ecclesiastick constitutions, and conclusions, knowing that a truly Christian minde and royall heart inclined from above, to religion and piety, will at the first discern, and discerning be deeply possessed with the love of the ravishing beautie, and heavenly order of the house of God; they both proceeding from the same Spirit. But as the joy was unspeakable, and the hopes lively, which from the fountaines of your Majesties favour did fill our hearts, so were we not

a little troubled, when wee did perceive that your Majesties Commissioner, as before our meeting, he did endeavour a prelimitation of the Assembly in the necessarie Members thereof, and the matters to bee treated therein, contrarie to the intention of your Majesties Proclamation indicting a free Assembly according to the order of this Kirk, and laws of the Kingdome: So from the first beginnings of our sitting (as if his Lordship had come rather to crosse, nor to countenance our lawfull proceedings, or as we had intended any prejudice to the good of Religion, or to your Majesties honour (which GOD knoweth was far from our thoughts) did suffer nothing, although most necessarie, most ordinarie, and most undenyable, to passe without some censure, contradiction, or protestation: And after some dayes debating of this kinde, farre against our expectation, and to our great grieve, did arise himself, commanded us, who had laboured in everything to approve ourselves to GOD, and to his Lordship, as representing your Majesties Person, to arise also, and prohibited our further meeting by such a proclamation, as will bee found to have proceeded, rather from an unwillingnesse that we should any longer sit, than from any ground or reason, which may endure the tryall either of your Majesties Parliament, or of your own royall Iudgement, unto which if (being convened by indiction from your Majestie, and sitting now in a constitute Assembly) we should have given place, This Kirk and Kingdome, contrarie to your Majesties most laudable intentions manifested in former proclamations, and contrarie to the desires and expectation of all your Majesties good people had been in an instant precipitate in such a world of confusions, and such depths of miserie, as afterward could not easily have been cured. In this extremitie we made choise rather of that course which was most agreeable to your Majesties will revealed unto us, after so many fervent supplications, and did most conduce for the good of Religion, your Majesties honour, and the well of your Majesties kingdome; then to give way to any sudden motion, tending to the ruine of all: wherein wee are so far from fearing the light, least our deeds should be reproved, that the more accuratly that we are tryed, and the more impartially our using of that power, which God Almighty, and your sacred Majestie, his Vicegerent had put in our hands, for so good and necessary ends, is examined, we have the greater confidence, of your Majesties allowance and ratification: and so much the rather, that being in a manner inhibited to proceed in so good a work, we doubled our diligence, and endeavoured more carefully then before, when your Majesties Commissioner was present, in every point, falling under our consideration, to walke circumspectly, and without offence, as in the sight of God, and as if your Majesties eyes had been looking upon us, labouring to proceed according to the word of God, our confession of Faith, and nationall oath, and the laudable constitutions of the lawfull Assemblies of this Kirk; and studying rather to renew, and revive old acts made for the reformation of Religion, in the time of your Majesties father, of happie memorie, and extant in the records of the Kirk, which divine providence hath preserved, and at this time brought to our hands; then either to allow of such novations, as the avarice and ambition of men, abusing authoritie for their own ends, had without order introduced; or to appoint any new order, which had not been formerly received, and sworn to bee retained, in this Kirk. In all which the members of the Assembly, found so clear and convincing light, to their full satisfaction, against all



their doubts and difficulties, that the harmonie and unanimitie was rare and wonderfull, and that we could not have agreed upon other constitutions, except wee would have been found fighting against GOD. Your Majesties wise and princely minde knowethe, that nothing is more ordinary then for men, when they doe well, to bee evil spoken of, and that the best actions of men are many times misconstrued, and mis-reported. Balaam, although a false Prophet, was wronged: for in place of that which hee said, *The Lord refuseth to give me leave to go with you*: the princes of Moab reported unto Balack, that Balaam refused to goe with them. But our comfort is, That Truth is the daughter of time, and although calumnie often starteth first, and runneth before, yet Veritie followeth her at the heels, and possesseth her self in noble and royall hearts: where base calumnie cannot long finde place. And our confidence is, that your Majestic with that worthie King, will keep one care shut against all the obloquies of men; and with that more wise King, who, when he gave a prooffe that the wisdom of GOD was in him to doe judgment, would have both parties to stand before him at once: that hearing them equally, they might speed best, and go out most chearfully from his Majesties face, who had the best cause. When your Majesties wisdom hath searched all the secrets of this Assembly, let us be reputed the worst of all men according to the aspersions which partialitie would put upon us, let us be the most miserable of all men, to the full satisfaction of the vindictive malice of our adversaries, let us by the whole world bee judged of all men the most unworthie to breath any more in this your Majesties Kingdome, if the cause that we maintaine, and have been prosecuting, shall be found any other, but that we desire that the Majestic of GOD, who is our fear and our dread, be served, and his house ruled, according to his owne will; if we have not carried along with us in all the Sessions of our Assemblie, a most humble and loyall respect to your Majesties honour, which next unto the honour of the living GOD, lyeth nearest our hearts; if we have not keepest our selves within the limits of our reformation, without debording or reflecting upon the constitution of other reformed Kirks, unto which wee heartily wish all truth and peace, and by whose sound judgement and Christian affection we certainly look to be approven; if we have not failed rather by lenitie then by rigour in censuring of delinquents, never exceeding the rules and lines prescribed, and observed by this Kirk; and if (whatsoever men minding themselves, suggest to the contrary) the government and discipline of this Kirk, subscribed and sworn before, and now acknowledged by the unanimous consent of this Assembly, shall not bee found to serve for the advancement of the Kingdome of CHRIST, for procuring all duetifull obedience to your Majestic, in this your Kingdome, and great riches and glorie to your Crown, for peace to us, your Majesties loyall subjects, and for terrour to all the enemies of your Majesties honour and our happinesse: and if any act hath proceeded from us, so farre as our understanding could reach, and humane infirmitie would suffer, which being duely examined according to the grounds laid by your Majesties Father, of everlasting memory, and our religious Progenitours, and which religion did forbid us to infringe, shall merit the anger and indignation, wherewith wee are so often threatened: But on the contrarie, having sincerely sought the glorie of GOD, the good of Religion, your Majesties honour, the censure of impietie, and of men who had sold them-

selves to wickednesse, and the re-establishment of the right constitution and government of this Kirk, farre from the smallest appearance of wronging any other reformed Kirk, we humbly beg, and certainly expect, that from the bright beames of your Majesties countenance shining on this your Majesties own Kingdome and people, all our stormes shall bee changed in a comfortable calme, and sweet Sunshine, and that your Majesties ratification in the ensuing Parliament, graciously indicted by your Majesties Proclamation to bee kept in May, shall settle us in such a firmnesse, and stabilitie in our Religion, as shall adde a further lustre unto your Majesties glorious Diademe, and make us a blessed people under your Majesties long and prosperous reigne: which we beseech him who hath directed us in our affaires, and by whom Kings reigne, to grant unto your Majestic, to the admiration of all the world, the astonishment of your enemies, and comfort of the godly.

FINIS.

*Collected, visied, and extracted forth of the Register of the acts of the Assembly by me Mr. A. IHONSTON, Clerk thereto, under my signe and subscription manuell.—Edinburgh the 12 of Jan. 1639.*

A BRIEFE COLLECTION of the PASSAGES of the ASSEMBLY holden at GLASGOW, in SCOTLAND, November last, 1638; with the Deposicon of Divers B.p.p.<sup>s</sup>, Their OFFENCES for which they were sentenced; and an INDEX of all the ACTS made at the said Assembly.

Upon Wednesday the vij<sup>th</sup> day of November, a generall fiast was kept throughout all Scotland, for calling upon God for his blessing upon their Assembly, and praying for Gods gracious assistance that their meeting might take good effect to Gods glorie and their owne good.

21.—Upon the 21<sup>st</sup> day of November, their Assembly begun, where (after calling upon the name of the Lord) their Nobilitie and Commissioners were called and desired to bring in their Commissions.

22.—The 22<sup>d</sup> day, the Commissioners Letters, and Commissions were produced; and the Commissioners for every Presbyterie produced their Commission.

23.—The 23<sup>d</sup> day, Mr Alex<sup>r</sup>. Henrison (after long contestacon) was chosen Moderator for the Assembly.

24.—The 24<sup>th</sup> day the Assembly proceeded to the election of their Clerke out of 4 Clarks, then nomynated:—(viz.)—Mr Thomas Sandilands, Mr Archibald Johnston, Mr John Nicholls, and Mr Alex<sup>r</sup> Blair.

The Marquesse (as his Majesties Commissioner) desired that the votes of his Assessors might be admitted for choosing the Clerke, and in all other things, which the whole Assembly refused, for many reasons then given.

25.—The Assembly, proceeding to their election, made choyce of Mr Archibald Johnstone for the Clerke, who, being generallie allowed of, was presently sworne for the dutiful administracon of his office, and to bee answerable for the Register Books to the said Assembly.

This being done, the Registers of all the Assem-



blies since 1560 were produced, consisting of 6 faire volumes.

The Assembly, after some consultacon, made ane Act, that the Earle of Rothes, Earle of Lauderdale, Mr Alex. Wilson, the Earle of Dundie, Mr Andrew Ramsay, Mr John Raine, Mr John Adamson, Mr James Bonnar, Mr John Bell, and Mr Robert Murray, should visite and peruse the said Books of the Assemblies, and to report their judgement concerning their authentickness and credit.

26.—The 26 day of November, (after prayers,) the Moderator desired that the Commissions might be tryed and allowed, and, for avoyding of tediousness, declared, that if any would object against any Commission or Commissioner, they should be heard; But, if none objected, their silence should be taken for approbacon.

To this the Kings Commissioner answered, That he might object against anie Commission at any tyme, after the Commissions were produced.

Amongst manie Commissions produced this day, onely two were questioned, and they were both for brethrin. In the one, the Laird of Dunn was nominated a Commissioner; and, in the other, the Lord of Carnaig was made a Commissioner. Dunns Commission had an approbacon on the backside thereof; but the Lord Carnaigies had noe approbacon; whereupon the Lord Marquesse desired the copie of Dunns Commission and approbacon under the Clerks hand. The Assembly were content hee should have the Commission, but not the approbacon. Upon which the Marquesse took instruments of their refusall.

27. The 27 day of November, (after prayers,) the rest of the Commissions were read, and some were questioned—namely, for the Presbitrie of Peebles; for the Presbitrie of Glasgow; for the Ministrie of Glasgow—because each of them had three Commissions; and Brechin—for having two Ruling Elders, (as aforesaid,) which were all referred to a Committee of 6 Ministers, to consider of and certifie.

The Commission for the Colledge of Aberdeen had noe warrant to give any vote; but only to attend their affaires as procurator for the Colledge.

The Presbitrie of Aberdeen had two Commissioners; (viz.:)—Mr David Lindsay, and Mr Doctor Guild, which were allowed.

28.—The 28 of November, the Visitors of the Registers gave in their testimoniall, subscribed with their hands, testifying the Registers to be good, authentique, and worthy of credit; which, being read, Mr Alex<sup>r</sup> Gibson further declared, in the presence of the Commissioners and whole Assemblie, that he had seene and considered the registers produced, and found them to be very authentique, and that hee thought if the Registers of the Council or Sessions were compared with them, they would be found to come farr short of those Registers.

Whereupon the Moderator desired the Commissioner, and all others, if they had anything to say against the said Registers, they should speak now, or give it in writing at next sitting.

After this, protestacon was given in by Mr Rob<sup>t</sup> Elliot against the election of the Commissioners for Peebles, wherein the Earle of Traquaire was highly accused for intruding himselfe in that election; and this was referred to a committee.

29.—The 29 day of November, (after prayers,) Doctor Hamilton, in the name of the Archbishops and Bishoppes declined, in a protestacon to the Marquesse, (who received it,) whereby they declyned the Assembly, and protested that the same should be holden null in law.

Whereupon Mr Alex<sup>r</sup> Gibson protested that the Bishops should be holden as delinquents in the Assembly, and that they ought soe to come and appeare personally.

After this, certaine remonstrances were presented, by the Presbitries of Glasgow and Dundie, to the Commissioner and Assemblie, desiring all Commissioners that have beene chosen to be laike Elders, might be putt away, which was generally denied.

The Moderator had presented unto him a paper which the Clerk read openly to the Assemblie, containing many sufficient answers unto the objections exhibited by the Bishops, with their declynator against the lawfullnesse of the Assemblie.

After the same was read, the Moderator, in the name of the Assemblie, desired the Marquesse, that it might bee voted in the Assembly, whether or not they were competent Judges to the Bishops; but the Marquesse refused, and adhered to the protestacon and declynator of the Bishops, against the lawfulness of the Assemblie; whereupon there was a great conference betwixt the Marquesse, the Earle of Rothes, and the Lord Lowdon, concerning the said declynator.

Their conference being ended, the Moderator againe desired the Marquesse to lett the matter goe to voting, or else to make objections against the lawfulness of the Assemblie, and they would resolve them. But the Marquesse still refused it, alleadging it to bee ane unlawfull Assembly wherein laike Elders were; which was thus retorted—Then the Assembly of Perth was noe lawfull Assembly, for there were Ruling Elders; which answer much moved the Marquesse, and soe checked him as he knew not what to answer; for that Assemblie is the chiefe Assemblie the Prelats had. But the Marquesse put it off with a faire discourse, and, at last, told them he hoped the King's declaracon of his pleasure would fully satisfie them, which hee caused the Clerke to reade.

His Majesties will was, That the Service-Book, Booke of Canons, and High Commission, should be annulled and discharged; The practise of the 5 Articles at Perth, or the urging thereof; and freed all Ministers from all unlawful oaths at their admission; likewise it made all his Majesties subjects lyable unto the censure of the Church; onely hee would not have the office of a Bishop to be altogether destroyed.

After this, the Clerk read the Noblemens Protestacon, which was made to uphold the liberty and freedome of the Assemble, which being read, the Marquesse fell into a large discourse concerning the goodnes and liberalitie of the King's Majestie, which was fully answered by the Moderator, who acknowledged his Majesties goodnes, and affirmed that, if his Majestie were truly informed of the just grievances of his subjects, and of the foulness of the crymes charged upon the Prelats, hee would leave them to their tryall.

And, therefore, hee, in the name of the whole Assemblie, requested the Marquesse that, seeing hee had now gone on in a faire way hitherto, and had not closed his ears unto their just requeste, hee would not now begin to stopp, but would grant that it might be voted in the Assembly, whether they were a lawfull Assembly or not. The Marquesse protested hee would not, onely hee would have them subscribe the Covenant, and rest content with his Majesties will declared unto them; and if they proceeded any further hee would not assent thereto; but that whatsoever was done should bee held null, and as done in ane unlawfull Assembly.

They answered, that they had beene called thi-



ther by his Majesties command, which had given liberty to them to proceed in the tryall of such things as were needfull to be performed reformed. And his Majesty, by his proelamaeon, had declared that, if any of his subjects shall or have presumed to assume to themselves any unlawfull power, they should be lyable to triall; and, therefore, they conceived that whatsoever should be concluded in this Assembly, should be halde as proceeding from a lawfull Assemblie. The Marquesse thereupon commanded the Assemblie to rise, which they refusing, hee himselfe arose and left the Assemblie.

After the Marquesse was departed, the roll was given to the Clerk, who called every man partieularly by his name, and desired them to declare their opinions on these 4 partieulars:—

1.—Whether the Assembly were lawful or not?

2.—Whether the Assemblie were competent judges of the Bishops?

3.—Whether they would allow of the Bishops declynator or not?

4.—Whether they would adhere to their Commission of Faith, and contynue still and hold on in the Assemblie?

Every man partieularly concluded, That the Assembly was lawful: That they were competent judges: That they would not allow of the declynator; and, That they would adhere to the Confession, and contynue the Assemblie, execept Sir John Carnegie, Mr Patrick Maekgill, and 3 other Ministers.

1.—The first of December, (after calling on the name of the Lord,) Mr Robert Blaire, Mr James Hamilton, Mr John Maekclagvell, and Mr John Livingston, being demanded, why they came out of Ireland, and whether they were under the censure of the Church or not? They declared the cause of their coming from Ireland, was because they refused to embrace, subscribe, and sweare to the Service-Booke of Ireland, and all the corruptions that were in that Church.

2.—The Earle of Argile, this day, left the Councell and came to the Assemblie, and declared, That he had subscribed the Confession of the faith with the Lords of the Councell, and found himselfe as farr obliged by subscribing the Kings Covenant as anie that had subscribed the National Covenant; and that hee subscribed the same as it was sett down in anno 1581, and not otherwise; and, therefore, desired the Assembly to goe on wisely in the matter of reconciling and explaining the Covenant. Whereupon the Assembly desired him to stay and bee an assistance and eye-witnesse of their proceedings, which hee both promised and performed.

3.—The 3d day of December, many complaints was given in against the Archbishops and Bishops, and especially ane libell against the Bishop of Galoway, conteyning 8 or 9 sheets of paper; whereupon a Committee was chosen of noblemen, gentlemen, and ministers, to hear the approbeicon, and to examine the truth of the matters which were charged against the Bishops, and to give an accompt of their proceedings unto the Assemblie.

There was likewise appointed another Committee to fynd out the errors of the Service-Booke, Booke of Cannons, Booke of Ordinaicon and High Commission, and to give sufficient reasons why they were rejected; and, lastly, there was a Committee for the explanacion and reconciliacon of the Covenants.

4.—The 4<sup>th</sup> of Deceniber, (after calling on the name of the Lord,) the Earle of Argyle produced a letter sent unto him from some of the Lords of the Councell, wherein were these words, (viz.)—Your Lordship knowes that wee subscribed the Covenant upon noe other condition than you did—

that is, as it was subscribed in anno 1581. And the Earle of Montrose also declared that the Earle of Wigton (another Privy Councillor) had written the same unto him, and desired him to signifie it unto the Assemblie, and 7 or 8 Councillors and noblemen afterwards sent the like declarations to the Assembly.

Those who had beene appointed upon the Committees appeared, and declared that they had begun upon their employments, but had not ended, because it was a worke that required more then one or two dayes labour, but promised to proceed with all care and diligence.

5.—The 5<sup>th</sup> of December, (after calling on the name of the Lord,) sundry complaints and proecesses were produced against Mr David Michell, Mr Gladstons, and Doctor Panter, for Arminianisme, whose libells being read, every one of them was 3 severall tymes called in the Assembly, and 3 severall tymes called at the doore, to come in and appeare, and answer to the things given in against them; but, none of them appearing, Mr David Dixon and Mr Robert Bailly, were ordayned to make an oraeon the next day to refute those Arminian points whereof Panter, Michell, and Gladstons were accused, that they might proceed against them. And, in the meantyme, a Committee was appointed to heare, and see, and examine these things alleadged against the said parties.

6.—The 6 of December, Mr Dixon made a speech, wherein he refuted fully all those Arminian points which had beene preached by Mr Michell and the other two; and Mr Andrew Ramsay made another speech, that hee (being one of the Committees) and the rest of the Committees, had seene, read, heard, and considered the things wherewith Michell and the rest were charged, and found them fully proved. Whereupon, by whole consent of the Assembly, Mr Michell and the other two were quite deposed and deprived of their office in the Church.

After this, Mr John Hamilton declared to the Assembly, That the Laird of Blackhall (a Councillor) had requested him to tell the Assemblie, that his subscribing of the Kings Covenant could be noe hindrance to their proceedings, but rather a furtherance, to cause him to doe what lay in his power for them; and that hee would come himselfe to the Assemblie and make his declaracon thereof unto them.

Lastly, the Commissioners for Edinburgh told the Moderator, that the people of Edinburgh having heard that some of their Ministers having subscribed the Bishops declynator, and, therefore, they would not suffer the said Ministers to preach anie more unto them. Therefore they desired to have it voted in the Assembly, Whether it were lawful to depose the saids Ministers, and to employ others to preach in their places? which was taken into deliberacon against the next meeting.

7.—The 7<sup>th</sup> day of December, the Bishop of Orkneys sonne delivered a letter from his ffather vnto the Moderator, signifieng that hee was willing to vndergoe what they pleased to impose vpon him, and submitted himselfe wholly vnto the said Assembly to dispose of him and his place and calling as they pleased.

The Committee for the Covenants returned answer, That they had reconciled them both to one effect and meaning, and that the Covenant in anno 1581 is more prejudicall then the other.

[The abbreviate of the Proceedings, which is in the Advocates' Library, of which the prefixed is a copy, terminates on the 7<sup>th</sup> of December; and an



nexed to it are the Acts of Deposition passed against the Prelates, and an "Index of all the Principal Acts of the Assembly holden at Glasgow 1638," at the end of which there is a docket subjoined. The "Index" referred to being more full than any of the copies that are to be found in the printed Acts, it is here adopted as by the docket authenticated by the Clerk of Assembly. The official abbreviate being thus defective to a certain extent, we are induced to fill up the chasm by adopting, as a supplement to it, an abridged account of the actings after the 7th December, from "Balfour's Annales," vol. ii., p. 209, *et sequen.*]

#### 8 December, Sessio 16.

Saturday, after much reiding of papers and dispute anent the lawfulness of Episcopacy in this church, at last the questione was stated thus:—Quhither Episcopacy was abiured in our kirke by the confession therof, and could be remoued? All in one wayce remoued the same, as abiured, neuer heirafter to be established.

#### 10 December, Sessio 17.

The 5 articells of Perth is, by the assembly, in one wayce totally abiured and renoued.

The Bischopes of Edinbrughe, Aberdeine, Rosse and Dumblaine, wer all of them deposed from aney function in the kirke, and excommunicat. Duinblaines crymes, by thesse that wer generall to all the bischopes, wer Arminianissem, poperey and drunkennesse.

#### 11 December, Sessio 18.

Tuesday Mr George Grhame, Bischope of Orkades, his lybell read, and he deposed; no excommunication against him, because of his submission to the assembly.

Mr John Guthrie, Bischope of Murray, deposed; and if he acquiesced not with the said sentence and made his repentance, to be excommunicat.

Mr Patrick Liudesay, Archbischope of Glasgow, his lybell read, and he deposed and excommunicat.

Mr James Fairlie, Bischope of Argyle, his lybell read, and he deposed; and if he did not acquiesce with his sentence and repented, to be excommunicat.

Mr Neill Campbell, Bischope of the Iles Hybrides, his lybell read, and he deposed.

#### 12 December, Sessio 19.

Vedinsday, after the deprivatione of Mr Thomas Forrester, minister of Melros, Mr Alexander Lindsay, Bischope of Dunkelden, his lybell being read, the assembly did depose him from the office of bischope, and suspendit him from the office of ministrie, and exercise therof; bot to be receanid therto againe vpon his repentance, manifested to the presbeteries of Dunkelden and Pearthe, and wpone his prowying of the kirke of Dunkelden at the sight of the presbeterie.

After Dunkelden, Mr John Abernethy, Bischope of Cathnes, receaued sentence of deposition from his office of episcopacy, and he to be receaued in the office of the ministrie wpon his publicke repentance, to be made in the kirk of Jedburgh.

The sentence of excommunicatione, against diuers of the bischopes, was publickly read, and by acte of the assembly, ordained to be pronounced tomorrow by the moderator in the hiegh kirke, and thereafter to be intimat by the ministers and readers of all kirkes.

#### 13 December, Sessio 20.

Noe more done this day, bot the sentence of the bischopes excommunication solemnly pronounced by the moderator, Mr Alexander Hendersone, after a sermon preached by him, one the 1 versse of 110 Psalme.

#### 14 December, Sessio 21.

Ther came this day, a letter to the assembly from the Earle of Vigton, directed to the Earle of Montrosse, wich read publickly in the assembly, desyring him to declare in his name, that he subscribed to the confession of religion, in doctrine and discipline, as it was in A° 1580, and that he wold defend the same with his bloode.

Fyue ministers wer deposed this day, viz.

Mr William Hannay, Minister at Aire;

Mr Andrew Rollock, Minister at Duncce;

Doctor Robert Hamilton, M: at Glasfurd;

Mr Tho: Rosse, Minister at Chanrey.

Mr Henrey Scryngcour, Minister at St Fil-lans, in Fyffe, for fornicatione.

#### 15 of December, Sessio 22.

This day, the Earle of Vigton declared himselfe, in face of the assembly, conforme to his letter read in assembly, and directed to the Earle of Montrosse.

#### 16 December, Sessio 23.

Order takin this day by the assembly, for commissions in all quarters of the kingdome, for cognoscing of proces presentlie depending befor the assembly aganist ministers, and to deceid therin; they to sitt doune at Edinbrughe first, the 26 of December instant, 1638; and at St. Andrewes, the 20 of Januarij thereafter, in A° 1639; and from thence to Dundie, the 4 of Februarij, 1639.

#### 17 December, Sessio 24.

Ten actes, and one reference past in assembly this day.

#### 18 December, Sessio 25.

Ther was giuen in to the assembly, ane anssuer to the declinator and protestation of the bischopes, also to the Kinges Commissioners protestation.

Three commissions, anent complaints aganist ministers in the southe and northe, exped this day.

Acte, that all tytills of dignity, as deans, subdeans, chanters, flowing from the canon law and pope, are abolished in tyme cominge.

Acte, that no marriage be without thrysse proelamation, as the booke of discipline bears, wich is not absolute, bot excepts in kuowin necessity.

Acte, that no interments be in kirkes; and that ther be no funerall sermons, as tending to superstition.

Acte, anent the maner of tryell of the expectents of the ministrie.

Mr Archbald Jhonston, clercke of the assembly, elected to be procurator for the kirke, and Mr Robert Dagleische to be agent; and fees appoynted for them.

#### 19 December, Sessio 26.

This day was read the draught of a suplication to be made by the assembly to the Kinges Maiestic, for his approuing, in the ensewing parliament, of ther procidings and decrees.

Commissioners appoynted to the parliament, from the generall assembly of ministers; noblemens eldest sones and barons from all quarters, with thesse following propositions:—

First, That the preuillidges of the kirke be rattified, and ther power in holding generall assemblies.

2d That the constitutions of the generall assembly be ratified.

3d. That presentations of kirkes be made by the patrons to the presbeteries, with power to them of collation.

4to. For augmentation of kirkes small stipends, lying in bischopericks and otheres.

5o. That no aduocation pas to counsell or session,



from presbeteries and shyres, to hinder or impeade the censure of the kirke.

6o. That visitatione be made of colledges, by commissione from the parliament.

7o. That some few lynes, by authority of parliament should be addit to the couenant, to be subscribed by all suche as heirafter should enter wnto the same.

Acte declaring euille places of kirkmen in counsaile, session, justice of peace, &c. woyeinng in parliament, &c. all to be unlawfull, and they recindit and anulled all former actes making the same lawfull.

Acte restoring kirke sessions, presbeteries, synods and assemblies, as they wer in A° 1580, in all respectes, and in ther members and elders, ther numbers and powar.

20 Decembris, Sessio 27.

In this session, ther was diuersse actes past, and transportations of ministers.

Acte ordaning the generall assembly zeirliche, and oftner *pro re nata*; as also ordaning the next generall assembly to be in Edinbrughe the 3d Vedinsday of Julij, 1639.

Therafter the moderator discoursed of the worke of reformation in this kingdome, and Gods workes therein, and of the coursse and progresse of the assembly; to this same purposse spake eache of them after ane other,

Mr Androw Ramsay,

Mr Daud Dickson,

Mr Robert Blaire,

Mr Androw Cant.

The Earle of Argyle, also, by occasione of speeches wieh fell from the moderator, spoke to the assembly of his longe delay and bydinning out, and not ioyning to the couenanters, not (said he) for want of affection to the good cause, bot to doe more good; wieh, quhen it failed, he could byde no longer oute from them with the other syde, excepte he had beine a falsse knaue. He exhorted ministers to doe ther dewtie, and to be respectiue of authority; also the ministers to peace and vnity amongst themselues.

Therafter the moderator closed the assembly with prayer, and singinge of the 133 psalme, wpon the 20 day of December, 1638, being Fryday, about 6 a clocke at night.

#### AN INDEX of all the PRINCIPALL ACTS of the ASSEMBLY holden at GLASGOW 1638.

1.—An Aet for registring sundrie protestations betwixt the marryners, [“between the Commissioner’s Grace and the Members of the Assembly.”—*Printed Acts.*]

2.—An Aet for the election of Mr Alx<sup>r</sup> Henrison to bee their Moderator.

3.—An Aet for admitting Mr Archbald Johnston to bee the Clerke of the Assembly, and producing and keeping the Registers of former Assemblies which were preserved by Gods wonderfull providence.

4.—An Act of disallowing anie private conference with the Moderator.

5.—An Act ratifying the authentickness of the Registers.

6.—An Act registring his Majesties will declared by his Commission.

7.—An Act of the Assemblies Protestacon against dissolving of the Assembly.

8.—An Act annulling the 6 late Assemblies—viz., one holden at Lithgow 1606; another at Lith-

gow 1608; one at Glasgow 1610; one at Aberdeen 1616; one at St Andrews 1617; and one at Perth 1618; with the reasons of the nullitie of every one of them.

9.—An Act annulling the oath exacted by Prelats vpon Ministers where they are admitted into their callings.

10.—An Act deposing Mr David Michell, Minister at Edinburgh.

11.—An Aet deposing Mr Alexander Gladstons, Minister at St Andrews.

12.—An Act deposing Mr John Creighton, Minister at Pewisloc.

13.—An Aet deposing Mr Rob<sup>t</sup> Hamilton, Minister at Glasford.

14.—An Act deposing Mr Tho. Foster.

15.—An Act deposing Mr W<sup>m</sup>. Annand.

16.—An Act deposing Mr Tho. Maekenzie.

17.—An Act declaring the abiuring and removing the 5 Artieles of Perth.

18.—An Aet condemning the Service Booke.

19.—An Act condemning the Booke of Cannons.

20.—An Act condemning the Booke of Ordinacons.

21.—An Act condemning the High Commission.

22.—An Act clearing the meaning of the Confession of the Faith, Anno D<sup>ni</sup>. 1580, and abjuring and removing Episcopacie.

23.—An Act concerning the deposing and excommunicacon of the late pretended Archbishops of St Andrews and Glasgow, the Bishops of Edinburgh, Rosse, Galloway, Brechin, Dumblane, and Aberdeen.

24.—An Act concerning the deposicon absolutely, and excommunicacon conditionally, of the late pretended Bishops of Murray, Argyle, Orkney, Cathness, Dunkeld, and the Isles.

25.—An Aet for restoring the Presbyteries, Provinceall Synods, and Generall Assemblies, to their Constitutions of Ministers and Elders, and their Powers and Jurisdietions, according as they are contained in the Booke of Policieis.

26.—An Act for ereeting a Presbyterie in Argyle.

27.—An Aet concerning the Visitacon of Particular Churches, Schooles, and Colledges.

28.—An Act against Non-Residencie.

29.—An Act concerning the planting of Schooles in every parish.

30.—An Act directing of Presbitery Ministers how to choose their Moderators.

31.—An Aet referring to the competencie of Presbiteries and Parishes.

32.—An Aet concerning the Conservacon of Ministers, as in anno 1595.

33.—An Aet for Presbiteries to defray the expenses of their Commissioners.

34.—An Act referring to former Acts for represing of Poperie and Superstieon.

35.—An Act referring to Presbiteries the more frequent Celebracon of the Lords Supper.

36.—An Aet against the Prophanacon of the Sabbath. for want of afternoones exercise.

37.—An Aet against Salmon Fishing and Going of Milnes on the Sabbath day.

38.—An Act against Salt Panns, and such like imployments, on the Sabbath day.

39.—An Aet against Markets on Mondayes and Saturdayes within Borroughs.

40.—An Aet setting downe the Roll of Provinceall Assemblies.

41.—An Act against those that speake or write ag<sup>t</sup> the lawfulness of the Naconal Covenant, or this Assembly and the Constitueons thereof.

42.—An Act concerning the receiving the repent-



ance, submission, and admission into the Ministrie of any penitent prelate.

43.—An Act for excommunicating of such Ministers as disobey their sentence.

44.—An Act against the frequenting with excommunicat persones.

45.—An Act condemning Chapters, Archdeacons, Preaching Deacons, and such like Popish trash.

46.—An Act against obtruding of Pastors upon people.

47.—An Act against Marriage without Proclamation of Bands.

48.—An Act against Funerall Services.

49.—An Act for admission of Mr Archbald Johnston to be Advocate, and Mr Roberte Dalglassie to be Agent for the Church.

50.—An Act for transporting of Mr Alexander Henderson from Leuchers to be one of the principall Ministers of Edinburgh.

51.—An Act for transporting Mr Robert Blaire from Ayre to St Andrews.

52.—An Act transporting Mr Andrew Cant from Pitslegoe to Newbottle.

53.—An Act condemning all Civill Offices in the persons of Ministers of the Gospell, as to be Justice of Peace, sitt in Session or Councell, or to vote or ride in Parliament.

54.—An Act for a Commission for examinacon of complaints, to sitt at Edinburgh the 26 of December next.

55.—Another Commission to sitt at Edinburgh the 22 of January next.

56.—Another Commission to sitt at Irwing the 25 of Jann. next.

57.—Another Commission to sitt at the Chancerie the 29 of Feb. next.

58.—Another Commission to sitt at Kircowbright the 9<sup>th</sup> of Mareh next.

59.—An Act for the Commission to visite the Colledges of Glasgow and Aberdeen.

60.—An Act appointing the Commissioners to attend the Parliament with the Articles which they are to represent there in the name of the Church vnto the 3 Estates.

61.—An Act ordaineing the Commissioners for Presbyteries and Burroughes presently to gett under the Clerkes hands an Index and Abstract of all the Acts, to carry hame with them from the Assemblie to their severall Presbyteries and Burroughs.

62.—An Act ordaineing the Presbyteries to intymate in their severall pulpits the Assemblies explanacon of the Confession of Faith, the Act against Episcopacie, the Act against the 5 Articles, the Act against the Service Booke, the Booke of Cannons, Booke of Ordinanees, and the High Commission, the severall acts of deposicon and excommunicacon of the prelates.

63.—An Act discharging all printers not to print anything concerning the Acts or the proceedings of this Assembly, or anything which concerns the Church, without a warrant under Mr Archbald Johnstons hands, as Clerk to the Assembly, and Procurator for the Church, and that vnder the paine of all ecclesiasticall censure; and this to be likewise intymated with the other Acts.

64.—An Act ordeyning the Covenant subscribed in Febr last to be now againe subscribed, with the Assemblies declaracon thereof; and this to be also intymated by all ministers in their pulpits.

65.—An Act discharging all subscripcion to the Covenant subscribed by His Majestie's Commissioner and the Lords of Councell, which is likewise to be intimated.

66.—An Act against those which are maliceous

ag<sup>st</sup> this Church, or dedyuers or disoeclyers of the Acts of this Assembly.

67.—An Act warranting the Moderator and Clerke to give out summons, upon lawfull complaints, against parties to appeare before the Assembly.

68.—An Act renewing the priviledges of yearly Generall Assemblies, and oftener, (*pro re nata*) and for appointing the thirld Wednesday in July next, in Edinburgh, for the next Generall Assembly.

69.—An Act that none be chosen as Ruling Elders to sitt in Presbyteries, Provinciaall or Generall Assemblies, but those who subscribe the Covenant as it is now declared, and acknowledge the constitutions of this Assemblie.

70.—An Act concerning the voting of churchsessions, and tryall of Expectants.

71.—An Act for representing to the Parliament the necessitie of the standing of the Procurators place for the Church.

72.—An Act ordayning all Presbyteries to keepe a solemn thanksgiving in all parishes for Gods blessing and good succeesse of this Assemblie upon the first convenient Sabbath.

*Extracted by mee, Mr ARCHBALD JOHNSTON, Clerke to the Generall Assemblie.*

#### Miscellaneous Historical Documents.

##### RELATIVE TO THE ECCLESIASTICAL AND POLITICAL EVENTS IN SCOTLAND, 1633—1638.

Having now presented to the reader the Acts and Proceedings of the General Assembly 1638, from the most authentic sources, we are now to submit a collection of illustrative historical documents, which will be found to corroborate the narrative given in the Introduction, and to throw much additional light on the period which elapsed from the coronation of King Charles I., in 1633, till the rising of the General Assembly on 20th December 1638.

It appeared to be exceedingly desirable to give a concentrated and connected view of these, in juxtaposition with the Acts of Assembly, of which they were the precursors and accompaniments; and this the more especially as, in so far as we have been able to discover, these are scattered over a variety of rare and expensive books, or unprinted records, which may be regarded as nearly inaccessible to the great bulk of the community. These are of peculiar value as explanatory of the entire chain of events during the period referred to; and they exhibit by much the most authentic record of the proceedings of all the parties concerned in these transactions; thus furnishing a body of information which cannot be found in any single or separate work on the era of which we treat. It may be proper to mention the chief sources whence these documents are derived.

1st, In 1639 a work was compiled by Dr Balcanqual, Dean of Durham, at the desire and under the auspices of King Charles I., as a vindication of the policy which he had pursued with reference to the affairs of Scotland in the previous and preceding years, and being published by Royal authority, may be considered as the King's own statement of his case in these unhappy differences with his subjects. It is titled—"A Large Declaration concerning the late tumults in Scotland, from their first originalls; together with a particular deduction of the seditious practices of the prime leaders of the Covenanters; collected out of their owne foule acts and writings, by which it doth plainly appeare,



that Religion was onely pretended by these leaders, but nothing lesse intended by them—By THE KING. London: Printed by Robert Young, his Majesties Printer for Seotland, Anno Domini M.D.C.XXXIX." From this source many of the following documents are gleaned; and although the statements and argument founded on these documents are coloured so as to serve the party whose cause it advocated, a commendable impartiality is shewn in the publication of the main acts and writs of the adversary.

2dly, The next depository whence we have drawn these documents is a work of Bishop Burnet's:—"The Memoires of the Lives and Actions of James and William Dukes of Hamilton, &c., in which an account is given of the Rise and Progress of the Civil Wars of Scotland, &c., from the year 1625 to 1652, together with many Letters, Instructions, and other papers, written by King Charles I., never before published; all drawn out of or copied from the originals." Printed by the Bookseller to the King. (Charles II.) 1677.

3dly, The only other authority to which it is necessary to refer particularly is:—"The Historiical Works of Sir James Balfour of Denmylue and Kinnaird, Knight and Baronet, Lord Lyon King at Arms to Charles I. and Charles II., published from the original MS., in the Library of the Faculty of Advocates," (by M. D. Haig, under Librarian,) in 1824. This, like the others referred to, is a work of high authority, and abounds with much curious and minute information.

*Petition to the KING from the CLERGY of SCOTLAND.*

29 May 1633.

Grievances and Petitions concerning the disordered Estate of the Reformed Kirke within this Realme of Seotland, presented vpon the 29 of Maij, 1633, by me, Master Thomas Hogge, Minister of the Euangell, in my aunc name, and in name of others of the ministrie lykwayes greiued, to S<sup>r</sup> John Hay, Clerck of Register, to be presented by him to such as ought, according to the order appoynted, to consider them, that thereafter they may be presented to his Maiesty and Estaites, wch wer to be assembled at this ensewing parliament.

The opportunity of this solemne meitting of your gracious Maiesty, and the honourable Estaites conveined in this heighe courte of parliament, and the conscience of our deutey to God and the reformed kirk within this realme of Scotland, quher wee serue by our ministerey, constrains ws to present, in all humility, to your heighnes and estaites presently assembled, thosse our just grievances and resonable petitions following:

First, Albeit, vote in parliament was not absolutely granted to ministers, prowydit to praelaies, bot only vpon suche eonditions as his heighnes, of happy memorie, and the general assemblies of the kirke should agree vpon, wch is evident by the remitt and prouision expressed in the acte of parliament holdin at Edinbrughe, in December, 1597; and albeit the maner of ther election and admission to the office of commissionarey, and the particular conditions and eautions to be observed by ministers votting in parliament, in name of the kirke, after long disputation wer aggreid vpon by his Maiesty present in persone, and the generall assembly, and wer appoynted by them to be insert

in the bodey of the acte of parliament, wch was to be made concerning that purpois. Some ministers notwithstanding haue beine, and are admitted to vote in parliament in name of the kirke, als absolutely as if the acte of parliament did contene no suche reference; and as if his Maiesty, with the gen: assembly, had not aggreid vpon the maner of ther election or admission to the office, or vpon aney limitations quherby the kirk hath susteined grate hurte and preiudice in her liberties and praelidges, and especially by ther frequent transgressing the first of the conditions, altho grounded vpon the werrey law of nature and nations;—that nothings be proponid by them in parliament, counsell or conuention in name of the kirke, without expresse warrant and drection from the kirke, vnder the paine of deposition from ther office; nather shall they keepe silence nor consent to the said conuentions to aney thing that may be praeiudiciall to the libertie and weell of the kirk, vnder the said paine.

And the second, that they shall be bound at eurey gen: assembly, to giue a compte anent the discharging of their commissione, since the assemblie praeceeding, and shall submitt themselves to the censure, and stand to ther determinatione quhatsoever, without appellacion, and shall seike and obtaine ratificatione of ther doinges at the said assembly, vnder the paine of infamie and excommunicatione.

Therfor, our humble supplication is, that the executione of the actes of parliament, off materes belonging to the kirke, to wch they haue wotted in name of [the] kirke, without aney authority or allowance of the generall assemblies of the kirke, be suspendit till that the kirke be hard; and that in tyme coming ministers haue no otherwayes vote in parliament, bot according to the prouision of the acte of parliament, and the order of ther entrie to the office of that commissionarey and limitation forsaide, aggreid one, as said is.

2. Seinge ratifications of actes and constitutions of the kirke, cannot be construed to be a benefitt or fauor to the kirke, wilesse the ratifications passe according to the meining of the kirke, and the tenor of the saides actes and constitutions, without omission, addition or alteration of clausse, artickells or wordes of importance; and that in the ratificatione of the acte of the assembly holdin at Glasgow in A<sup>o</sup> 1610, wch past in parliament haldin at Edinbrughe, 1612, vnder the name of explanacione of sundrie clausse and artickells, wer omitted out of the same.

At the subiection of bishopes in all thinges concerning ther lyffe, conversacione, office and benefice to the censure of the gen: assembly;

The censure of bishopes, in caisse they stay the censure of excommunicatione;

The continuing of the exereisse of doctrine weeilie;

The necessity of the testificat, and assistance of the ministrie of the boundes, for the admission of ministers, and other clausse and artickells are addit and insert, as the different degrees of archbishopes and bishopes;

The pouer of giuing colation of benefices granted to bishopes;

The disposing of benefices fallinge in ther handes jure deuoluto;

The appoynting of moderators in diocesian synodes, in caisse of ther absence, and some wordes of the othe are changed. By all wch omissions, additions and alterations, the kirk hathe susteined, and doeth susteine, grate hurte in her jurisdictione and discipline. Our humble desyre therfor is, that



the kirke may be liberat from the preiudice of those omissions, additions and alterations of the acte forsaide.

3. Notwithstanding the generall assemblyes haue beine holdin from the tyme of reformation, till the zeire 1603, at least once in the zeire or oftner, *pro re nata*; prouineiall synods tuisse in the zeire; weekly meittings for exereisses and presbetries, eurey weeke, for matters to be treatted in them respectiue, and ther liberties wer ratified in parliament in A° 1592, and by that, as a most pouerfull meine, blissed be God, peace and purity of religion wer mainteined; and in the assembly holdin at Glasgow, 1610, quhen commissioners, votters in parliament prowdyt to praelacies, wer made lyable to the censures of the generall assembly, it was aeknowledged, that the necessity of the kirke craued that ther should be zeirlie generall assemblies, and the ministers wer then assured, that liberty wold be granted vpon ther requyste, quherby they wer induced to condescend so far to the acte then made as they did; wiche acte also beareth in the werrey entrey thereof, a requyste to his Maiestie, that generall assemblies may be holdin, in all tymes coming, once in the zeire, or precisely at a sett and certaine tyme; neuerthelesse the wounted libertie of holding general assemblies is suppressed; the order of the prouineiall synods confoundit; presbetries in a grate pairt disordered and neglected, quherby diuisions haue entred into the kirke; ministers are become negligent of their callinges, and scandalous in ther liues; the godlie are heartily greiued, the weeake are scandalized; erroneous doctrine is deliured in kirkes and scooles without controulment; the commissioners votters in parliament lay untrayed and vnecensured; and atheisme and poprie ineresse. Our humble desyre is, therfor, that the actes of parliament made in fauours of the assemblies of the kirke, and especially the acte of parliament made at Edinbrughe in Junij, 1592, be rewissed and ratified.

4. Notwithstanding the obseruatione of faestiuall dayes, priuat baptisme, priuat communion, Episcopall confirmatione of echildren, haue beine reiceted by this our reformed kirke, since the begning of the reformation, and it hath beine declared by acte of parliament, in the zeire 1567, that such onlie wer to be aeknowledged members of this reformed kirke, as did partiepat of the sacraments as they wer then rightly ministred, wiche was without kneeling in the acte of receauing the sacramentall eliments of the supper, or immediat dispensing of the same to eurey communicant by the minister; and that it was statute and ordained, in the same parliament, that all Kings should giue ther othe at ther coronation, to mainteine the religion then professed, and that forme of ministratione of the sacraments wiche then was wssed. Neuerthelesse, pastors and people adhear- ing to the former professione and practisse, are nicknamed Puritans, and threttued not only without aney good warrant, bot besyde the tennor of the acte of Perthis assemblee, wiche contineth no stricke iniunction, and contrarey to the meining of the wotters, and to the proceidings of that assemblee, wher it was professed that non should be pressed with obedience to the acte.

Therfor, wee humbly intreat, that by ratification of the actes of parliament made befor that assemblee, and by suche wayes as shall seime good to your gracious Maiesty, and honourable estaite assembled, your Maiesties good people, pastors, and professors, may bothe be purged from suche asperstions, and may be freed from all dangers and feares wiche may occurre by ocaseione of that acte of Perth.

5. Albeit it be determined by the geuerall assemblies of this our reformed kirke quhat othes ministers should take, at the tyme of ther admissioun or ordination, zet ther is a new forme of othe dewised and wrged by the admitters, or ordainers wpon intrants to the ministrie, togider with subscriptione to certaine artickells dewysed by them, without direction or warrant from aney assemblee of the kirke, zea, or acte of parliament; quherby the entrey to the ministrie is shutte vpon the best qualified, and others lesse able are obtruded vpon the people, to ther grate greiffe and hazard of ther soules. Our humble petition therefor is, that suche othes and subscriptiones, wrged vpon ministers at ther entrey ore transportation, be discharged.

6. Notwithstanding ther be constitutions of the kirke, and lawes of the countrie for censuring of ministers befor the ordinarey iudicatories ecclesiastical, zet contrarie to that order, ministers are suspended, silenced and depriued, and that for matters mearlie ecclesiastical, befor wther iudicatories wiche are not established by the authoritie or order of the countrie and kirke. Therefor, our humble petition is, that ministers deseruing censure, be no wtherwayes censured then the order of the kirke doeth preserue, and that such as are otherwayes displaced, be suffred to serue in the ministrie as off befor.

The presenter attendit in Edinbrughe, to compeire, if neid wer, befor such as wer to conweene to consider the artickells and petitions wiche wer giuen in to the Clerke Register; but ther no appeirance of aney such conuentione; the ministers therfor directed the said Mr Thomas Hogge to present the supplicatione following to his Maiesty, wiche he did at Dalkeith eastle, wpon the 15 day of Junij; that same day his Maiesty was {to} make his entrey into the cittey of Edinbrughe. The petitione was thus:—

This happye ocaseione, with stronge desyres longe waited for by your Maiesties most humble and louing subiects, the pastors and professors of the reformed religion, within this your Maiesties kingdome of Scotland. The grate fame wiche haue oftin filled our eares of your Maiesties most pious and princely inclination to religion and richteousnesse, quhence this kirke and kingdome, from ther singular interesse in your Maiesties birth and baptisme, haue resone at this tyme to looke for a comfortable influence; the bodey of this kingdome ioynung in heart with vs, and onlie waiting for the least word from your Maiesties mouthe; the conscience wiche we haue, and wiche wee trust is manifest to all men, that wee ar seeking nather riches nor honor to ourselues, bot that the soume and substance of our desyres is, to procure the aduancement of the kingdome of Jesus Christe, and to see your Ma<sup>ties</sup> flourishing estait in your kingdomes; all thesse and cache of them mone ws to intreat, in all humility, your gracious Maiestie to be fauorable to our petitions, wiche we haue deliuered to the Clerke of Register, to be presented to your Maiesty and estaite of the approaching parliament, that they may be considered and receave a gracious ansuer.

His Maiesty read this petition at lenth, zet ther was no more hard of ther griuances, atther among the Lordes of the artickells, or in opin parliament, (quher nothing cometh in votting bot that wiche first must passe the Lordes of the artickells,) and vsually quhat passes throughe ther handes, is concludit by the quole estaite in publik. Not only wer the griuances of the ministers suppressed, bot lykwayes all former actes concerning the complained offe corruptions



in the kirke wer ratified. Howbeit, it was notoriously knowen, that most of thesse actes had wrought grate disturbance in this kirke. And now the actes of this parliament (as I hane formerly showen,) layed the fundatione of ane irreconcilable schisme, and proued afterwarde the ruine bothe of King and bischopes.\*

1636.—October 18.

2. *Letter from the King to Spottiswood, Archbishop of St Andrew's, Lord Chancellor of Scotland, and Chancellor in Council and Session.*†

CHARLES R<sup>x</sup>,

Right Reuerend Father in God, &c. quher as, since our entrie to the croune, especially since our laite being in that kingdome, wee haue diuersse tymes recommendit to the archbischopes and bischopes ther, the publishing of ane publicke forme of seruice in the worschipe of God, quhilke wee wold haue vniformally obserued theriu, and the same being now coudescendit wpone, that wee doubt not bot all our subiects, both clergie and others, will receaue the samen with suche reuerence as aperteinethe; zet

\* Balfour, vol. ii., p. 207.—Although this document be the first ostensible indication of a movement on the part of the Churchmen with respect to the state of the form of Government, subsequently to the time which we have adopted as the commencement of these collections, yet several years sooner, there were various intimations of King Charles's views, and of the opposition they were likely to encounter. Spottiswood had in 1624 sent a memorial to King James, recommending the introduction of the English Church forms, canons, &c. This motion, however, the King had not the courage to adopt. In April 1625, King Charles wrote to Spottiswood that he was resolved to enforce all the laws of the former reign, in reference to Church matters. In August following, he issued a proclamation for the enforcement of the Perth Articles. (Wodrow's Life of Spottiswood, p. 12.) On 12th July 1626, he gave instructions (Balfour, vol. ii., p. 142,) not to enforce these articles against ministers who had been admitted prior to the Assembly 1618, and that such as had been ousted for nonconformity should be reponed on conditions; but conformity was to be enforced on all who had entered after the Perth Assembly. The bishops disliked this, and clamoured for conformity. On 8th February and 3d May 1627, (Balfour, vol. ii., p. 125, 126,) the King agreed to enforce it against Papists, but rebuked the Prelates for want of charity to their brethren; and, indeed, from a paper of Spottiswood on the state of the Church as to conformity, it appears that the Perth Articles were in very rare observance, and some of them not at all. In 1630 the King sent a letter to Spottiswood, intimating that the whole order of the English Church should be adopted in Scotland. In May 1631, the King sent orders for a meeting of bishops and subservient ministers, to advise as to the introduction of organs, surplices, a service book, and King James's own translation of Psalms. An organ, &c. were introduced into the Chapel Royal; (Baillie's M.S., p. 3, Row 272,) and considerable uneasiness created by these innovations. And when the petition from the clergy was presented to the King in 1633 at Dalkeith, the day before he entered Edinburgh, the King answered Rothes sternly—"No more of this, I command you!" From this it is evident that the King was inflexibly bent on enforcing the Episcopalian formularies and rites. This is more fully illustrated in the following documents, which are arranged in chronological order from 1636 down to the end of the year 1638. *Vide*, also, Aiton's Life of Henderson, p. 125, *et sequen*, and authorities.

† Balfour, vol. ii., p. 224.

thinking it necessary to make oure pleasure known touching the authorisinge the booke therof, we requyre you to command, by opin proclamatione, all our subiectes, both ecclesiasticall and ciuill, to conforme themselues in the practisse therof, it being the onlie forme of worschipe quhilke wee, hauing takin the counsaill of our cleargie, thinke fitt to be wssed in Gods publicke worschipe ther. As also, we requyre you to inioyne all archbischopes, bischopes and wthers, presbiters and churchemen, to take caire the samen be dewlie obserued, and the contraweiners condinglie censured and punished, and to giue order that eury paroche procure to themselues, within suche ane space as you shall be pleased to appoynt, tuo at the least of the saides bookes of comon prayer for the wsse of the said paroche, quherin ze will doe ws most acceptable seruice; and for the quhilke thesse presents shall be your warrant. Wee bid you fairweell, from our courte at Newuarke, 18 Octobris, 1636.

1636.—December 20.

3. *Act anent the Service Booke.\**

Apud Edinburgh, 20 Decembris 1636. Sederunt.

Chancellor.	Angus.	Clerk-Reg <sup>r</sup> .
Thesaurer.	Binning.	Advocat.
Glasgow.	Napier.	Justice-Clerk.
Dumfrees.	Depute Treas <sup>r</sup> .	

Forsamekle as the King's Maiestie euer since his entrie to the imperiall goverment of this his ancient Kingdome, especiallie since his late being ther, hes diuerse times recommendit to the Archbishops and Bishops their, the publishing of a publiet forme of service in the worship of God, whiche his Maiestie would haue vniformelie observed in this kingdome; and thesame being now condescended upon, although his Maiestie doubts not bot all his Maiesties subjects both clergie and others, will receaue the said publiet forme of seruice with such reuerence as appertaineth; butt his Maiestie thinking it necessair to make his pleasure known twiching the authorizing the booke thairof; Therefore the Lords of his Maiesties Privie Counsell, according to his Maiesties speciall warrand and direction, ordains letters to be direct, to command and charge all his Maiesties subjects, both ecclesiasticall and ciuill, be open proclamation at the Mercat Croses of the heid burrowes of this kingdome and other places needfull, to conforme themselffs to the said publiet forme, q<sup>lk</sup> is the onlie forme q<sup>lk</sup> his Maiestie, having takin the Counsell of his Cleargie, thinkes fitt to be used in Gods publict worship heir: Commanding heirby, all Archbishops and bishops, and others presbyters and churchemen, to take a speciall care, that the said publiet forme of worship be dewlie obserued and obeyed, and the contraveauers condinglie censured and punished, and to have a speciall care that enerie Parish betwixt and pasche next, procure unto thameselffs twa at the least of the saids bookes of Common Prayer, for the use of the Parish.

Followes his Maiesties Missive for warrant of the Act abowritten.

CHARLES R<sup>x</sup>.

Right Reuerend father in God, right trustie and weil belouit Cousins and Counsellors, right trustie and trustie and belouit Counsellors, We greit you weil. Whereas since our entrie to the crowne, especiallie since our late being in that Kingdome, we have diuerse times recommended to the Archbishops and

\* Privy Council Record, from 1636 to 1639.



bishops there, the publishing of a publict forme of service in the worship of God, whiche we would haue vniformelie obserued therein; and the same being now condescended vpon, thogh we doubt not bot all our subjects, both clergie and others, will receaue the same with such reuerence as appertaineth: yitt thinking it necessarie to make our pleasure knowne, touching the authorizing of the booke thaireof, We require you to command, by opin proclamation, all our subjects, both ecclesiasticall and ceuill, to conforme themselfes in the practise thair of, It being the onlie forme which We, having takin the Counsell of our Clergie, thinke fitt to be used in God's publict worship there; as alsua we require you to inioyne all Archbishops and Bishops, and other Presbyters and churchmen, to take care, that the same be dewlie obeyed, and the contraueaners condignlie censured and punished, and to take order that cuerie parish procure to thame selfes, within such a space as yow shall thinke fitt to appoint, two at least of the saids bookes of Common Prayer for the use of the Parish; wherein you will doe us most acceptable seruice, and for which these shall be your warrant. We bid yow farewell, from our Court at New Mercat, 12 of October 1636.

1637.—March 14.

4. *Act of Council anent the new Psalmes.\**

Apud Edinburgh 14 Martii 1637.—Sederunt.

Chancellor.	Dumfreis.	B. Brechin.
Thesaurer.	L. Bining.	L. Naper.
B. Glasgow.	L. Alexander.	Cl <sup>k</sup> Reg <sup>r</sup> .
Mar.	B. Gallaway.	Advocat.
Winton.	B. Aberdenc.	Justice.
Seafort.	B. Ros.	Justice-Clerk.

Forsamekle as the late Psalmes have, by authoritie of the King his Maiestie, and the clergie of this kingdome, bene altered, revysed, and approvin, so that now his Maiestie, according to his pleasure, formerlie signified, for receaving of the said Psalmes, is fully resolved to have that warke goe on for the good of the church and memorie of the author; Therefore the Lords of Privie Counsell, according to his Maiesties expresse will and pleasure signified unto thame be writt, hes discharged, and, be the tenor of this present act, discharges all farther impression of the old psalmes, as alsua the inbringing of the same from England or ellis wyas, to the intent the new psalmes may be imprinted and generallie receaved and sung in all the churches of this kingdome. And the said Lords hes recommendit, and be the tenor heirof recommends to the Archbishop of St Andrewes, Lord High-Chancellor of this kingdome, to call before him, or before the Provost and Bailles of burrowis, the whole printers and stationers within this kingdome, and all others whome this mater may concerne, and to intimat unto thame, this present act and ordinance, and to require thame and everie ane of thame, to conforme thame selfes and give obedience thereanent, under the paine of confiscation of the whole bookes which sall be prented or imported agains the tenor of this act, and ordines letters of publication to be direct thereupon, if neid beis, in forme as effeirs.

Followes his Majesties Commission for warrant of the act abowritten.

CHARLES R<sup>x</sup>.

Right reuerend father in God, &c. Whereas the late psalmes haue, by authoritie from us and the

Clergie of both Kingdomes beene altered reuised and approved, We now, according to our pleasure formerlie signified for receaving thame in the church of that Kingdome, being fully resolved to cause that work goe on for the churches good and the authors memorie; It is our expresse will and pleasure, that according as you sall thinke fitt, you suffer no further impression to be made of the old psalmes, and that yow give such orders as yow sall find necessarie and which is in yower power, for printing and receaving of the new, to be generallie receaved and sung, in all the churches of this said Kingdome; and to that effect that yow give to our clairgie, (to whome we have written at length twiching the same) what strenth and authoritie you sall finde necessarie and can be grantit by yow, Quherein expecting frome you a readie performance, both by yowr owne good example and otherwayes, whereby we may finde the effects of your paines and affection to our forme, in this, whereof we will take as most acceptable service done unto us, and for whiche, these presents sall be your warrant. We bid yow farewell, from our Court at Whitehall, the 3 of Februarie 1637.

1637.—June 13.

5. *Act anent Service bookes.\**

Forsamekle, as by act and proclamation, made and published heretofore, it was commandit and ordained, that everie Presbyterie within this kingdome should have had a care that their parochinies sould have beene furnished and provydit, betwixt and pasche last, with twa of the buikes appointed to be universallic receaved throughout this kingdome, for the publict forme of Service in the worship of God, as in the act and proclamation made to this effect at lenth is conteinit. Quhairunto, altho' great numbers of the ministrie of best learning and soundest judgement and gifts, hes given dewtiefull obedience, and hes conformed thame selfes to his Maiesties royall will and pleasure in this point, yitt there is some others of the ministrie who, out of curiositie and singularitie, refuse to receave and embrace the said booke, and does what in thame lyes to foster and enterteyny destruction and troubles in the Kirk, to the disturbing of the publict peace thereof, without remeid be provydit; Thairfore, the saids Lords ordains this to be direct, charging the whole Presbyters and Ministeris within this kingdome, That they and euery ane of thame provide and furnishe themselfes, for the use of thair Parishes, with twa of the saids bookes of publict formes, or common prayer, within fyfteine dayes next after the charge, vnder the paine of rebellion and putting of thame to the horne; and if they faille, to denunce, &c. and to escheet, &c.

1637.—July 23.

6. *Act anent Service Bookes.†*

Apud Edinburgh, 23 July 1637.

Chancellor.	Dumfries.	B. Ros.
Thesaurer.	L. Lorne.	B. Brechin.
Glasgow.	L. Alexander.	L. Deskford.
Privie Seale.	B. Edinburgh.	L. Naper.
Winton.	B. Gallaway.	Clerk-Reg <sup>r</sup> .
Wigton.	B. Aberdeen.	Justice-Gen <sup>all</sup> .
Kinghorne.	B. Murray.	Deputie-Treas <sup>r</sup> .

The Court of Secret Counsell having heard the Prouest and Bailles of Ed<sup>r</sup> touching the proposi-

\* Privy Council Record.

\* Privy Council Record. † Ibid.



tion made be thaime, and course takin conforme thereto, for a peaceable exercise of the service-booke, and securitie of the personis imployed, or who sall be present and assist at the pratise thair of; the Lords ordains the Provost and bailleis to advyse amongs thaimselfis anent ane obligatorie act to be given be the toun for the reall performance there, so that they sall undertake in the bussines abone mentioned, and allowes thaime to publishe, by touck of drwn, the ordars to be established be thame for keeping of thair toune in peace and quyetnes, and preventing of all trouble and commotioun within the same.

1637.—July 29.

7. *The Clergies' Report anent the Service Booke.\**

Apud Ed<sup>r</sup> 29 July 1637, in the Chan<sup>rs</sup> looding—  
Sederunt.

Chan <sup>r</sup> .	Kinghorne.	L. Deskford.
Theas <sup>r</sup> .	L. Alex <sup>r</sup> .	Cl <sup>k</sup> Reg <sup>r</sup> .
Priue Seal.	B. Gallaway.	Justice-Generall.
Glasgow.	B. Ab <sup>d</sup> .	Blackhall.
Wintown.	B. Brechine.	

The whilk day the Archbishop of St Andrewes, Lord High Chan<sup>r</sup> of this kingdome, for himselfe and in name of the remanent bishops, reported to the Counsell, That, in regaird of the late trouble and insurrection raised upon Sunday last, for opposing the service-booke, and upon new emergent occasions and considerable respects, It was thought fitt and expedient be thaime, that there should be a surecase of the service-booke till his Maiestie sould signifie his pleasure twiching the redresse and punishment of the authors and actors of that disorderlie tumult, and that a course be sett down for the peaceable exercise thair of, to the glorie of God, his Maiesties honour, and the good of this Citie; and in the meane time, to the effect his Maiesties good and loyall subjects be not defrauded of the comfort of the word, the saids bishops had appointed and given order that, in the whole churches of this Citie, sermon sall be made at the accustomed times, by regular and obedient Ministers, and that a prayer sall be made before and after sermon, and that neither the old service nor the new established service, be vsed in this interim: Whiche report and conclusion, takin be the saids bishops being heard be the Counsell, they remitted to thaime to doe therein according to the power incumbent unto thame in the dewtie of thair office.

1637.—August 4.

8. *His Maiesties Missive anent the uproare.†*

Apud Edinburgh, 4 August 1637—Sederunt.

Chancellor.	Ammondail.	B. Brechin.
Theasurer.	Dumfries.	Clerk Reg <sup>r</sup> .
Glasgow.	Southesk.	Justice-Generall.
Priue Seale.	L. Lorne.	Depute-Treas <sup>r</sup> .
Winton.	L. Alexander.	Aduocat.
Wigton.	B. Edinburgh.	S. R. Gordon.
Kiughorne.	B. Gallaway.	

The whilk day, the Missive Letter underwrittin, signed be the Kings Maiestie, and produceit to the Lords of Priue Counsell, was presented to the saids lords, and read in thair audience, of the q<sup>lk</sup> the tennor follows: CHARLES R. Right reverend father in God, and right trustie and weil-belouit cousines and counsellors, and right trustie and weil-

belouit Counsellors, and weil-belouit, We greit yow weil. Having vnderstood that, in the churche upon Sunday last, when the forme of divine service appointed to be receaued was begun to be read in the churche, a number of rude and base people, did rise and behave thaimselfes in a most tumultuarie manuer, both within and without the churche, as We doe not doubt, but hath beene particularlie made knowne to yow all, whiche is so barbarous, disorderlie, and evil, both in it selfe, and by the example, that it doeth deserve to be severelie punished: It is our pleasure, that yow use yowr best endeavours to examine, who ar authors or actors in that mutenie, and that yow faile not to punishe them that sall be foundguiltie thair of, as yow sall find thaime to deserve; and lykeways that you communicat with the clergie, by strengthening thaime in that whiche our authoritie conferred upon yow, may contribute unto thaime for setting the said forme of divine service, both in the said toun and other parts, as they frume time to time sall require your helpe, which we verie specialie expect frume yow, and so doe bid yow heartilie farewell, frume our Mannor at Oatland, the 30 of July 1637. Whilk Missive being read, heard, and considered be the saids Lords, and they advised therewith, the Lords of Secret Counsell ordains the persons who ar delate guiltie of the said mutinie, to be putt to the tryall and punishment.

1637.—August 5.

9. *Act anent Service Bookes.\**

Apud Edinburgh 5. Augusti 1637. Sederunt.

Chancellor	Dumfries.	Clerk-Reg <sup>r</sup> .
Theasurer.	L. Alexander.	Justice-Gen <sup>all</sup> .
Glasgow.	B. Ediuburgh.	Deputie Tre <sup>r</sup> .
Priue Seale.	B. Gallaway.	Aduocat.
Wintown.	B. Brechin.	S. R. Gordoun.
Amondail.		

The q<sup>lk</sup> day the lords of the clergie hauing remoustrat to the lords of Priue Counsell, That for the glorie of God and more decent performance of his divine service, and for securing the persons to be imployed for officiating the same, That the toun Counsell of Edinburgh attend upon and meit with the Bishop of Ed<sup>r</sup>, and conferre and resolute with them anent the conveniencie of time when the service shall begin, and what the assurance to be giuen be thaim for indemnitie which these who sall be imployed in the service; and, in the meane time, that the ministers sall preache in the subsequent weeke upon the ordinar dayes, without service, and choose pertinent texts for disposall of the peoples myndes to ane heartie embracement of the service booke, and for cleering and remouall of all prejudices and mistakes that may be conceaved upon or concerning the saids bookes: Which proposition being considert be the saids Lords, and they findiug thaire desire to be reasonable, and being willing to contribute thair best assistance for streuthening the clergie to settle the service booke, The Lords allows of their proposition, and accordingleie ordains the provost and bailleis of Edin<sup>r</sup> to meit with the Bishop of Edin<sup>r</sup>, and to joyne and concurre with him in all and euerie thing that may concerne the providing of readers for the same, and preparing of all things necessar and belonging thereto, and that they give assurance for indemnitie of the Church ministers, and peaceable behaviour of the inhabitants within thair citie: Quhilks intimation wes made to Andro<sup>r</sup> Ainslie and Johne Smith, bailleis of Edinburgh, whame the

\* Privy Council Record.

† Ibid.

\* Privy Council Record.



Lords required to signifie their ordinance to the toun Counsell, and to make report to the Bishop of Edin<sup>r</sup> of thair diligence, and what thay will undertake and be ansrable for with all convenience.

The Lords of Secret Counsell having heard the request of the most pairt of the clergie present, that the service bookes cannot be orderlie usit in the Kirks of Edin<sup>r</sup> the morne, the saxt of this instant, for want of a sufficient number of readers to officiat the same, and others difficulties attending therein, and that the same cannot convenientlie be done before Sunday come eight dayes; and the said Lords of the Clergie having lykwise declared that they have resolved that the said service shall begin upon Sunday come eight dayes, and from thenceforth continew, and, withall, having desired that the toun Council of Ed<sup>r</sup> be callit and order given to thame for the peaceable exercise of the said service booke, and that the said Lords would interpone their authoritie thairto; Which, being heard and considerit be the said Lords, they allowed of the course taken be the clergie, and interponed and interpons their authoritie to the same, and accordiuglie callit for Andro Ainslie and Johnne Smith, bailleis of Ed<sup>r</sup>, whome they required to signifie this their ordinance to the Toun Counsell of Edin<sup>r</sup>, and to see the dew performance and obedience of the same.

1637.—August 25.

10. *Extract Bill of Suspension for Alex. Henderson and Others.\**

The 3 ministers that wer charged with thesse letters, wer Mr Alexander Hendersone, minister of Leuchers; Mr James Bruce, minister at Kingesbarnnes; and Mr George Hamiltone, minister at Newbirne. They for themselues, and in name of the remanent ministers of the kingdome, did suplicat, in all humility, the Lordes to grant to them a suspesione of the said charge, for thesse followinge reasons:—

First, Because the said service booke is not warranted by the authority of the generall assemblies, wich is the representatiue kirke of this kingdome, and hath euer since the reformatione giuen directione in matters of Gods worschipe, nor be aney acte of parliament (wich in thinges of this kynd) hath euer beine thought necessarye by his Majesty and estaites.

Secondlie, Because the liberties of the trew kirke, and the forme of worschipe and religion recaeued at the reformatione, and vniuersally practised sinsyne, is varrantid by actes of generall assemblies, and diuersse actes of parliament, 1567, and of the lait parliament, 1633.

Thridlie, The kirke of Scotland is ane independent kirke, and her auen pastors should be most able to decerne and directe quhat doe best seime our mesour of reformatione, and quhat may serue most for the good of the people.

Fourtli, It is not wnkownen to your Lordschipes, quhat disputing, diuisione and trouble, hath beine in this kirke aboute some few of the maney ceremonies contined in this booke, wich being examined, as wee shall be redey at a competent tyme assigned by your Lordschipes to shaw, will be found to depart far from the worschipe and reformatione of this kirke, and in poyntes most materiall for the kirke of Rome, for hir hierarchie and doctrine, superstitione and idolatrie in worschipe, tyranie in gouerniment and in wickednesse, eurey

way als antechristian now, as quhen it cam out of her.

Fyftlie, The people hath beine otherwayes taught by ws, and our prædecessors in our places, euer since the reformatione; and so it lickly they will be found, wnwilling to the change quheueuer they be assayed, euen quhen ther pastors are willinge, in respecte quherof the saides letters of horneinge, hail effecte and executione, aught to be simpliciter suspendit in tyme coming.

*Deliverance thereon by Council.\**

The Lords of secret counsaile, wnderstanding that ther hes beine a grate mistaking in the letters and charges giuen out wpone the acte of counsaell made anent the buying of the service bookes, The said Lords for removing and clearing of all such simplie declares, that the saide acte and letters extend allainerlie to the buying of the said bookes, and no further. Giuen at Edinbrughe, 25 of Aguste, 1637.

1637.—August 25.

11. *Letter from the Privy Council to the King.†*

MOST SACRED SOUERAINGE,

According to the warrand of your Mat<sup>ties</sup> commandiment, wee haue beine most willing and redey to giue all concurrence and assistance to the Lordes of the clergie for the establishing of the service booke; and notwithstanding of that barbarous tumulte, occasioned alenerlie (for aney thing wee can learne) as zet, by a number of basse and rascally people, wee wer werrey hopefull that in a shorte tyme, without aney further trouble ore importunity to your Maiesty, to haue brought to practisse, by hauing appoynted a meitting of counsaill wpone the 25 of Aguste instant, in this extraordinarey tyme of vacance, expresly to thinke wpone the best expedencies for aduaucing that service booke, wee fand ourselues far surprrysed by our expectation with the clamor and feares of your Maiesties subiects, from diuersse pairts and corners of the kingdome; and that euen from thesse quho hes hertofoer otherwayes liued in obedience and conformitey to your Maiesties lawes, both in ecclesiasticall and ciuill bussines. And this wee fand to be ane matter of so heighe ane consequences, in respecte of the generall grudge and murmur of all sortes of people, for wrging of the practisse of the service booke, as the lyke has not beine hard at aney tyme; zet wee dar not delay it, nor conceile it from your Maiesty, not knowing quherwnto the samen may tend, and quhat effecte it may produce. Nather dare wee diue aney further in the trayell of the cause of the saides feares and remedies thereof, vntill it shall pleis your Maiestie, in the deipnes of your judgement and royall wnderstanding, to preseryue the way, after heiring of all particulars, ather by calling some of your Mat<sup>ties</sup> counsaile, or Lordes of the clergie, to your Maiesties auen presence; to the effecte that ane coursse may be takin for pacefing the present commotione, and establishing the said service booke, or otherwayes by such meines as your Maiesty, in your auen grate wisdom, shall thinke fitting. And wee haue appoynted the 20 of September for attending your Maiesties pleasur theranent, quhilke wee humbly, as becomes faithfull subiectes, and those quhom your Maiesty hes honored with your royall commandiments, will follow and obey; and so, with all our most humble prayers for your Maiesties louge

\* Balfour, vol. ii., p. 227.

\* Privy Council Record.

† Balfour, vol. ii., p. 229.



and prosperous rainge, wee humblie kisse your royall handes, from Edinbrughe, 25 of Aguste, 1637.

Traquaire,	St Andrewes,
Roxbrughe,	Morton,
Perth,	Vigtone,
Lauderdail,	Southescke,
Alexander,	
Naper,	
Da : Edinbrughe,	
Tho : Galloway,	
Jo : Hay,	Ja : Carmichell,
Thomas Hope,	
Jo : Hamilton.	

1637.—August 27.

12. *Traquair's Letter to the Marquis of Hamilton.\**  
MY NOBLE LORD,

At the meeting of the Council here at Edinburgh the 23th of this instant, we found so much appearance of Trouble and Stir like to be amongst people of all qualities and degrees, upon the urging of this new Service-book, that we durst no longer forbear to acquaint his Majesty therewith, and humbly to represent both our Fears, and our opinions how to prevent the Danger; at least our opinions of the way we would wish His Majesty should keep therein, or before he determine what course to take for pacifying of the present Stir, or establishing of the Service-book hereafter; wherein all I will presume to adde to what the Council hath written, is to intreat your Lordship to recommend to his Majesty, that if he be pleased to call to himself any of the Clergie, he would make choice of some of them, of the wisest and most calm Dispositions; for certainly some of the leading men amongst them are so violent and forward, and many times without ground or true judgment, that their want of right understanding how to compass business of this nature and weight, does often breed us many difficulties, and their rash and foolish Expressions, and sometimes Attempts, both in private and publick, have bred such a Fear and Jealousie in the hearts of many, that I am confident, if His Majesty were rightly informed thereof, he would blame them, and justly think, that from this and the like proceedings arises the ground of many Mistakes amongst us. They complain that the former Ages have taken from them many of their Rents, have robb'd them of their Power and Jurisdiction, and even in the Church itself and Forin of Gods Worship have brought in some things that require Reformation: but as the deeds of these Times, at least the beginnings thereof, were full of notour and tumultuary disorder, so shall I never think it will prove for the good either of Gods Service or the Kings, by the same ways or manner of dealing to press to rectifie what was then done amiss. We have a wise and judicious Master, who will (nor can) urge nothing in this poor Kingdom, which may not be brought to pass to his contentment: and I am most confident, if he shall be graciously pleased to hear his faithful Servants inform him of the Truth, he shall direct that which is just and right; and with the same assurance I dare promise him Obedience. The interest your Lordship has in this poor Kingdom, but more particularly the duty you owe to His Majesty, and the true respect I know you have ever carried to His Majesties Honour, and the good of his Service, makes me thus bold to acquaint your Lordship with this business, which in good faith is by the folly and misgovernment of

\* Burnet, p. 31.

some of our Clergie-men come to that height, that the like has not been seen in this kingdom for a long time. But I hope your Lordship will take in good part my true meaning, and ever construet favourably the actions of

Your loving faithful Friend, and  
humble Servant,

Edinburgh, Aug. 27.

TRAQUAIR.

1637.—September 10.

13. *Letter from the King to the Privy Council.\**

CHARLES R<sup>x</sup>,

R<sup>t</sup> trustie and weill beloued, &c. Wee have considered your letter, and wee find that our former directions haue produced werey shallow effectes; nather doe you heirby propone aney new expedient, bot onlie you desyre some of the clergie and layitie should be send for to deall with ws therin, wiche wee eoneeane not to be fitt; and by a neidleesse noysse make it appeire, that ather wee have a werey slaeke counsail. ore bad subiects, wiche wee will neuer belciue, hauing had so good a prouffe of ther affectione heirtofor; bot rather wills, that a sufficient number of you attend still at Edinbrughe, or neir thereabout, during the vaceance tyme, till the seruice booke be settled. And wee are not weill satisfied nather with you nor our eitty of Edinbrughe, that after the seruice wes read wpon the Sunday afternoone, it should haue beine internitted immediately thereafter, and that no delinquents that wer aetores and accessories to that insolence and ryotte eommitted in the tumult that day, wer ancy wayes eensure, for terrifeing of others from attempting the lyke; and it doeth lykwayes seime werey strange wnto ws, that the ministers of Edinbrughe hauing offred to begin the reeding of the seruice booke, prowyding they were secured from iniurey, and releued by our said eithey of the said echarge within a mounthe thereafter, that the said offer was not accepted and performed; and it is our pleasure that cuery bischope eause reid the said seruice booke within his auen dyocie, as the Bishopes of Rosse and Dumblaine haue alrede done. As lykwayes you cause warne our burrowes partienlarlie, that none of them make ehoyse of any magistrats, bot suche as they will ansuer for ther conformity. So expectinge that you will extend the vttermost of your endewors, by doing quhat is necessary, and preuenting aney inconuenient that may occur, that wee may haue a good compte with diligence, wee bid you fairweill from our eourte at Otlandes, 10 Septem: 1637.

1637.—September 20.

14. *Act of Privy Council.†*

Apud Edinbrughe, 20 Sept. 1637.

The quhilk day, the Lordes of secrett counsail hauing hard and considered his Maiesties missiue and directione tothem, concerning the seruice booke, the saides Lordes, for satisfaction of his royall pleasure signified therein, nominatts, appoynts and ordaines the Lord Chaneceler, Thesaurer, the Earles of Vinton, Vigton, Southescke, the Bishopes of Edinbrughe and Galloway, the Clercke Register, Iustie Generall, Thesaurer Depute, Kings Aduocat, Iustie Clerek, the Laird of Blackhall, ore aney seuin of them; the Lord Chaneceler and Lord Thesaurer alwayes being tuo, not excluding aney of the 10, quho shall be pleased to be present, to attend

\* Balfour, vol. ii., p. 232.

† Ibid, p. 233.



ore resorte heir in this vaceance tyme, for performance of quhat his Maiesty, by his said letter, hes committed to our caire; lykwayes the Lordes suspendes to giue ansuer to ther petitione, giuen in this daye be noblemen, barous, ministers, burroughes and comons, aganist the seruice booke, wntil his Maiestie, after dew consideratione of the same shall signifie his gracious pleasure theranent, wherewith the saides petitioners shall be tymeously acquainted; and quherof mentione was judicially made to the Earles of Sutherland and Wymes, in name of the rest of the petitioners, and for themselves. And wheras the Duck of Lennox, his Grace, has beine ane eare and eye wittnes to all that was moued or treatedt off in consaile concerning that matter, and quho is presently to repaire to his Maiesties royall courte; the saides Lordes intreattes the Duckes Grace to remonstratt to his Maiestie the trew estait of the bussines, with the mauey pressing difficulties occuring therin; and to sollicit his Ma<sup>ties</sup> gracious resolution theranent; for wiche ordaines tuo or three of the pryme persones, wich the counsaile shall make choysse offe, with a roll and list of the rest, to be deliuered to the Duckes Grace, to be represented by him to his Maiesty at his fitting couuenience. Extractum, &c. sic subscribitur.

JA: PRYMROSE.

1637.—October 9.

15. *Letter from the King to the Privy Council.\**

CHARLES R<sup>x</sup>,

R<sup>t</sup> Reuerend Father in God, &c. Wee greett you wecill. Wee haue seine the letter and petitions ze sent ws therwith, wiche wee thinke not fitt to ansuer at this tyme, bot will doe it quhen wee shall thinke fitt; and because wee are not resolued for the present quhen to doe it, wee command you to dissolve the meitting of this counsaile day, in so far as it does concerne this bussines; commanding them to repaire to ther auen duellings, wnder paine of horning, excepte such persons as shall make knowne to you just cause of stay, for ther particular affaires; and it is our furder pleasur, that you take especiall caire, and wsse your best endeouors, to find out and punishe the steires wpe of the lait tumulte at Edinbrughe and Glasgow; and so we bid you hartly fairweell, from our housse of Hampton Courte, 9 of October, 1637.

1637.—October 17.

16, 17, 18. *Acts of Council.†*

Apud Edinburgh 17. Octob. 1637.

Forasmuch as it hath pleased the Kings Majestic, upon divers good respects and considerations, to give warrant and direction to the Lords of his Majesties Privie Councell, for dissolving the meeting of this Councell day, in so farre as concerneth matters of the Church: And that everie one that hath come to attend this businesse, repaire to their owne dwellings, except such persons as shall make knowne to the said Lords of Councell just cause of stay for their particular affaires; Therefore the said Lords, according to his Majesties speciall warrant and direction sent unto them, have dissolved, and by the tenour hereof doe dissolve the meeting of this Councell day, in so farre as concernes the businesse above written; And ordaines a Maissar of Councell to passe to the Mercate Crosse of Edinburgh, and

to make publication hereof; And to command everie one that hath come hither to attend this businesse, to repaire home to their owne dwellings within 24. houres after the publication hereof, except such persons as shall make knowne to the said Lords just cause of their further particular affaires in manner aforesaid, under the paine of Rebellion, and putting of them to the Horne; with certification to them, that if they faile they shall be denounced Rebels, and be put to the Horn, and all their moveable goods escheat to his Majesties use.

Apud Edinburgh 17. Octob. 1637.

Forasmuch as it hath pleased the Kings Majestic, upon divers great and good considerations knowne to his Majestic, to remove his Councell and Session from the Citie of Edinburgh to the Burgh of Dundie: And whereas it is inconvenient at this time to remove it so farre, his Majestic is graciously pleased that this next Session shall be holden at the Burgh of Linlithgow, and the next after the ordinarie vacants at the Burgh of Dundie: And there to remaine during his Majesties pleasure: And therefore the said Lords, according to his Majesties speciall direction, ordaines Maissars or Officers of Armes to passe and make publication hereof to all his Majesties good subjects by open Proclamation at all places needfull, whereby they can pretend no ignorance thereof, but may prepare themselves to attend at Linlithgow and Dundie accordingly.

Apud Edinburgh, Octob. 17. 1637.

Forasmuch as the Kings Majestic is credibly informed, that there is a certaine booke intituled, A Dispute against the English Popish Ceremonies, obruded upon the Kirke of Scotland, and hath beeno sent abroad and dispersed in this Kingdome, purposely to stirre the hearts and affections of the subjects from their due obedience and allegiance: And therefore it hath pleased his Majestic to give order and direction to his Councell, that diligent inquirie and search be made for the said booke; And for this effect the said Lords ordaines letters to be directed to make intimation and publication to all his Majesties subjects, that such of them as have anie of the said bookes, bring in the same to the Lords of his Majesties Privie Councell betwixt the date of this Proclamation and the day of

And the said bookes being brought in, that the same be publicly burnt, certifying all his Majesties subjects if any of those bookes shall be found or knowne to have beene with any of them after the time aforesaid, that they shall incurre the like censure and punishment as the Authour may be found to deserve for any thing contained in that booke.

1637.—October 18.

19. *Act of Council.\**

At Haly-rud-house the 18 of Octob. 1637.

Forasmuch as a number of the Lords of his Majesties Privie Councell, as likewise the Towne Councell of Edinburgh, being this day conveened in their severall Judicatories for his Majesties speciall affaires and service, they were most rudely interrupted in the course of their proceedings, by a tumultuous gathering of the promiscuous and vulgar multitude, by whom his Majesties Councell and servants in an open way was shamefully environed: Which being a matter verie disgracefull to his Majesties Authority and lawfull Government, and which in the consequence thereof may produce dangerous effects,

\* Balfour, vol. ii., p. 236.

† Large Declaration, p. 33.

\* Large Declaration, p. 38.



if the like bee not prevented in the time to come ; Therefore the Lords of Secret Councell, according to the dutie of their place and charge incumbent unto them, Ordaines a Maissar of Councell to passe to the Mercate Crosse of Edinburgh, and there by open Proclamation to discharge all publike gatherings and convocations of his Majesties subjects within the Citie of Ediuburgh, and upon the streets thereof ; As likewise all private meetings tending to faction and tumult : And in his Majesties name and authoritie, to command and charge all his Majesties lieges and inhabitants within the said Citie, to containe themselves in peace and quietnesse ; And for that effect to keepe their houses, except when their lawfull businesse doth otherwise call them, Under all highest paine and charge that by rigour of law can be inflicted upon the contraveeners of the premises in manner above expressed.

1637.—October 18.

20. *Petition of the Men, Women, Children, and Servants of Edinburgh to the Lord Chancellor, against the Service Book.\**

MY LORD CHANCELOUR,

Unto your Lordship humbly shewes, we, men, women, and children, and servants, indwellers within the Burgh of Edinburgh : That whereas we being urged with this Book of Service, and having considered the same, We finde many things therein so farre different from that forme of Gods publike worship universally received and professed withiu this Kingdome : And we Burgesses, being at our entrie and admission deeply sworne for the maintenance thereof, that now makes our hearts to tremble, and our weak consciences will not suffer us to imbrace and practise this urged Service : We have this long time past, winked at some former alterations, being put in hope that no further novations should follow. But now we being oppressed, with our just feares to see our selves deprived of that libertie in serving God which ever hath bene approved by Church and Kingdome : In place whereof we are now like to be constrained to imbrace another, which hath neither beene agitated nor received either by generall Assemblie or Parliament : In such extremitie we are most humbly to supplicate your Lordship to consider our present estate, and that this businesse is a matter of so great weight and consequence as should not appeare to bee a needlesse uoyse of simple women, but it is the absolute desire of all our hearts for preservation of true Religion amongst us, which is dearer to us than either estate or life : And therefore we do humbly crave, that as the rest of the Kingdome, so we may have a time to advise, and that your Lordship may find out some way whereby we may be delivered from the feare of this and all other innovations of this kinde, and have the happinesse to enjoy the true Religion, as it hath bene by the great mercie of God reformed in this land, and authorised by his Majestie, who may long and prosperously Reigue over us : And your Lordships answer.

1637.—October 18.

21. *Petition of the Noblemen, Gentry, Ministers, Burgesses, and Commons to the Council against the Service Book and Book of Canons. †*

MY LORDS OF SECRET COUNCELL,

Unto your Lordships humbly shews ; We Noblemen, Barons, Ministers, Burgesses, and Commons ;

That whereas we were in humble and quiet manner attending a gracious answer of our former supplications against the Service Book imposed upon us, and readie to shew the great inconveniences which upon the introduction thereof must ensue, we are, without any knowne desert, farre by our expectation, surprised and charged by publike Proclamation to depart out of the town within twentie foure houres thereafter, under paine of Rebellion ; by which peremptorie and unusuall charge, our feares of a more severe and strict course of proceeding are augmented, and course of our supplication interrupted : wherefore we are constrained, out of the deep grieve of our hearts, humbly to remonstrate, that whereas the Arch-bishops and Bishops of this Realme, being intrusted by his Majestic with the government of the affaires of the Church of Scotland, have drawne up and set forth, and caused to be drawne up and set forth, and injoynd upon the subjects two Books ; In the one whereof, called the Book of Common prayer, not onely are sowne the seeds of divers Superstitions, Idolatrie, and false doetrine, contrarie to the true Religion established within this Realme by divers Acts of Parliament ; But also the Service Booke of England is abused, especially in the matter of Communion, by additions, subtractions, interchanging of words and sentences, falsifying of titles, and misplacing of Collects, to the disadvantage of Reformation, as the Romish Masse is, in the more substantiall points, made up therein, as we offer to instruct in time and place convenient, quite contrarie unto and for reversing the gracious intention of the blessed Reformers of Religion in England. In the other book called Canons and Constitutions for the government of the Church of Scotland, they have ordained, That whosoever shall affirme that the forme of worship inserted in the Booke of Common Prayer and administration of the Sacraments, whereof heretofore and now we most justly complaine, doth containe any thing repugnant to the Scriptures, or are corrupt, superstitious, or unlawfull in the service and worship of God, shall be excommunicated, and not be restored but by the Bishop of the place, or Arch-bishop of the Province, after his repentance and publike revocation of this his wicked errour ; Besides one hundred Canons moe, many of them tending to the reviving and fostering of abolished superstitions and errours, and to the overthrow of our Church Discipline established by Acts of Parliament, opening a doore for what further invention of Religion they please to make, and stopping the way which Law before did allow unto us for suppressing of errour and superstition ; And ordaining, That where in any of the Canons there is no penalty expressly set down, the punishment shall be arbitrary as the Bishop shall think fittest : All which Canons were never seen nor allowed in any Generall Assembly, but are imposed contrary to order of law, appointed in this Realm for establishing Constitutions Ecclesiasticall ; unto which two books, the foresaid Prelates have under trust procured his Majesties Royall hand and Letters Patents, for pressing the same upon his loyall subjects, and are the Contrivers and Devisers of the same, as doth clearly appeare by the Frontispice of the Book of Common Prayer, and have begun to urge the acceptaunce of the same, not onely by injunctions given in Provinciall Assemblies, but also by open Proclamation and charge of Horning, whereby we are driven in such straites as we must either by Processe of Excommunication and Horning suffer the ruine of our estates and fortunes, or else by breach of our Covenant with God, and forsaking the way of true

\* Large Declaration, p. 41: † Ibid, p. 42.



Religiou, fall under the wrath of God, which unto us is more grievous then death. Wherefore we being perswaded that these their proceedings are contrary to our gracious Sovereign his pious inteuition, who out of his zeale and Princely care of the preservation of true Religion established in this his ancient Kingdome, hath ratified the same in his Highnesse Parliament 1633. And so his Majestie to be highly wronged by the said Prelates, who have so farre abused their credit with so good a King, as thus to insnare his subjects, rend our Church, undermine Religion in Doctrine, Sacraments, and Discipline, move discontent between the King and his subjects, and discord between subject and subject, contrary to severall Acts of Parliament: We out of bound duty to God, our King and native Country, complain of the foresaid Prelates, humbly craving, that this matter may be put to tryall, and these our parties taken order with according to the lawes of the Realm; And that they be not suffered to sit any more as Judges, untill the cause be tryed and decided according to Justice. And if this shall seeme to bee to you a matter of higher importance then you will condescend unto, before his Majesty bee acquainted therewith, Then wee humbly supplicate that this our grievance and complaint may be fully represented to his Majestie, That from the influence of his Gracious Sovereignty and Justice these wrongs may bee redressed, and we have the happinesse to enjoy the Religiou, as it hath bene reformed in this Land.

1637.—November 15.

22. *Letter from the King to the Council.\**

CHARLES R<sup>x</sup>,

R<sup>t</sup> Reuerend Father in God, &c. Quheras ther are many thiuges at this tyme considerable for our seruice in that kingdome, wiche wee cannot expresse at large be wreat wnto you, wee haue taken the occasion of our trustie and weill beloued cousin and counsellor, the Earle of Roxbrughe, his repairing thither, that by him wee acquaint you with our mynd, als far as wee haue couceaued fitting, vpon that wiche wee haue alredey hard from you. And it is oure pleasure, that in all thinges wiche he shall communicat to you from ws, ather by word or wreat, concerning the present estait of that kingdome, you giue trust to him; and wee expecte, that in euey thing wiche you, or aney of you, haue found, ore shall find expedient for the vindicating of our honor, and quieting of the present disorders within that kingdome, ze will all giue that free aduice, and ioynnt concurrence, wiche wee are confident to receaue from our faithfull counsellors, quherof wee will be wercy sensible, at most acceptable seruice doue. Wee bid you fairweell, from our courte at Whithall, the 15 of Nouember, 1637.

1637.—December 7.

23. *Proclamation at Linlithgow.†*

Apud Linlithgow septimo Decemb. 1637.

For as much as the Kings Majestie, having seene the Petition presented to the Lords of his Majesties priue Councell, and by them sent up to his Majestie concerning the Service Book, determined to have taken the same into his Royall consideration, and to have given his gracious answer thereanent with all conveniencie: Like as his Majestie by his letters to his Councell of the date of the

ninth of October last, did signifie his gracious resolution to the effect aforesaid. But since that time, his Majestie finding (farre contrarie to his expectation) that such disorderly, tumultuous and barbarous insolencies have bene committed within the Citie of Edinburgh upon the eighteenth of October last, to the great contempt of his Majesties Royall authoritie, by abusing his Majesties Councillors and Officers of State, with others bearing charge and authoritie under his Majestie within the said Citie: His Majestie in a just resentment of that foule indignitie, (wherein his Majesties Honour did so much suffer) hath bene moved to delay the signification of his Majesties gracious intention, in giving to his subjects such satisfactorie answers to their Petitions as in equitie might have been expected from so just and religious a Prince; But yet his Majestie being unwilling that his Loyall and faithfull subjects should be possessed with groundlesse and unnecessary doubts and feares, His Majestie is pleased out of his goodnesse to declare, like as by these presents hee declareth, That as he abhorreth all Superstition of Poperie, so he will be most carefull that nothing be allowed within his Majesties Dominions, but that which shall tend to the advancement of the true Religion, as it is presently professed within his most ancient Kingdome of Scotland: And that nothing is or was intended to be done therein against the laudable lawes of this his Majesties native Kingdome. And ordaineth publication to bee made hereof in forunc as aforesaid.

1637.—December 21.

24. *Speech of Lord Lowden to the Privy Council.\**

After my Lord had, in all humility and submissions, craued the Lordes of his Majesties priuey counsaill, ther audience and patience, in respecte diuerse counsellors of the best sorte wer ther present, quho wer not acquainted with the progresse of the bussines; he declared the trew cause of the compirance of so grate a number of the nobility, gentry, ministrie, and comons of all sortes ther, thus:—

My Lordes, (sayes he,) the subiecte of our complaint and contrawersie is religion, and lawes of the kingdome, wpon wiche dependethe bothe the weillfaire of the churche and comonwealthe, our condition of lyffe, our libertey and fortouue in this transitorye worlde, and the æternall happines in the lyffe to come; our deutie to Almighty God, the supreme King of Kinges, with our alledgeance and deutie to our soueraign lord and master, the King's Maiestie.

The matter of our regrave and griuance is, the alteratione of religion, in publicke forme of Gods worschipe, the most solemne action of ws all cretures in earth, wiche by the innouations complained off, is changed in doctrine, sacramentes and discipline, without and contrair to seuerall actes of parliament, and actes of nationall assemblies.

The innouations introduced, are chiefly the seruice booke, the booke of canons and constitutis, and the heighe commissione; in wiche seruice booke are sowin the seedes of diuersse superstitions and heresies, that the Roman messe, in maney and substantiall poyntes, is made wpe therein; quhilke seruice booke and other nouations haue uather warrant of general assembly, nor of acte of parliament, bot contrarey to bothe, are iutroduced be the bishoppes, quho haue caused sett fourthe ane booke of caouns, quherin it is ordained, quhosoeuer shall affirme that the seruice booke containes aney thing

\* Balfour, vol. ii., p. 237.

† Large Declaration, p. 46.

\* Balfour, vol. ii., p. 240.



erronious, shall be excommunicat; wich booke is the wsher and forrunner of the seruice booke printed thereafter, quhilk by the bischopes conwayence was ratified by acte of parliament, and confirmed longe befor it was seine and printed, the bischopes for the tyme making wpe the counsaile, no nobleman being present ther quho did oppose it; and thereafter by publick proclamacione cam fourth, chargeing all his Ma<sup>ties</sup> subiects to conforme therto, as the onlie forme of Godes publicke worschipe to be used within the kingdome. After this the booke was printed, and as the booke was redcy for the presse, letters of horning wer directed to charge the minister to bay the saides bookes for the wsse of the parochie, in Julij, wich moued them to giue in a bill of suspentione in Aguste following. The subiects finding themselues in the lyke danger, wnder one of tuo extremities, one being feared to be declared rebels and excommunicat one the one hand, ore forsaking the way of trew religione, one the other hand, contrair to the sournie couenant with them, could find out no better meine, be ane legall and submissiue way, theu to supplicat the Lordes of secret counsaile. Albeit thir innouations, by all thosse quho takes Gods worschipe to harte, doe wnderstand they wer contrynctt to tend to the wtter ouerthrow of the trew religione, and lafull liberty of the subiectes. Zet to eschew the imputacione of factious conuocations and tumultous dealling, and to testifie ther loyalty to the King, they resolved to proccid in the most orderly way of supplicatting, by electinge one or tuo of the most grauest ministers in each presbyterey, and one or tuo descritt gentlemen of each shyre, to prefer ther complaintes, remonstrances and griuances to the counsaile, by quhosse mediation the matter might be represented to the Kinges Maiestie, from quhosse justice, redresse was humbly craued and expected; and supplications at diuersse dyctts, giuen in name of the nobility, gentlemen, burrowes, and ministers, to that effecte, as the petitions themselues, that wich was giuen in the 23 of September, and that wpon the 13 of October, doeth cleirly report. At quhilke tyme, by warrant, appeirantly procured by the bischopes from his Maiestie, our supplicationes wer interrupted, and the counsaile at that tyme discharged to medle with churchie bussines, and the supplicants to be discharged off the toune within 24 houres, wnder the paine of rebellione, wich feared them to giue in that supplicatione of the 13 of October, containing ane complaint aganist the bischopes, as coutriuers, manteiners and vrgers of the booke. And the supplicants taking conueniency of tyme, of the doune sitting of the sessione againe in Edinbrughe, the 15 of Nouenber, commissioners wer chosen to attend his Maiesties ansuer, and doe quhat ells might condee for furthering of ther lawfull desyres. The Earle of Roxbrughe being thereafter sent from courte, did conweine the counsaile at Linlithgow, the 7 of September, quher ther was ane declaratione for the King, by oppin proclamacione at the mercat crosse of Edinbrugh, shewing that the Kinges Maiestie doethe abhorre all superstitions of poprie, and violacione of the landable lawes of the kingdome; and the supplicants wer desyred by the Earle of Roxbrughe and Traquair, Thesaurer, not to appeire at Linlithgow, wnder promisse that ther supplicatione should be judicially hard in counsaile the next weeke thereafter, to the wich the counsaile wes appointed to sitt at Dalkeith; wher the commissioners and diuersse wther noblemen of good sorte, did attend the counsell to haue beine hard, bot wer postpouit till the 21 of December.

After this relatione, he subsumed wpon the proclamacione, that thinges complined one wer superstitious, full of poprie and superstitione, and violacione of the lawes of the kingdome, quherwpon he groundit the supplicants confidence, to assist aganist the ciuells and the manteiners therof, seing his Maiestie, by proclamation, was cleired from authorizing the same.

After the forsaid relatione made by him, he presented a new bill, with a declinatour against the bischopes, and the double of the supplicatione presented the 23 of September, and 13 of October; and because no bischopes wer in the counsaile that day, some one quho remoued himselue befor the complainers cam in, he protested that the bischopes heir-after should not be permitted to sitt as ther iudges, wntill the cause was decydit, because they war parties, and albeit they be absent at this tyme, (said he,) zet they may be present at ane other tyme, and, possible both the most pairt of the counsaile and complainers shall be absent. The Chanceler with 6 or seuin other bischopes and eoram of the counsaile, may determin vpone our cause and petitions, als weill as they passed ane acte of counsaile, for approuing the seruice booke befor it was ather printed or seine, which acte, wee persuade ourselues had neuer beine passed, if ather ther had beine a frequent counsaile, or if the bischopes had not beine prædominant ingredientes at that tyme.

After this, he said, our desyres tend to no other end bot the præservation of trew religion, the saluatione of our soules, and the subiectes lawfull liberties; and quher wee craue the matter to be trayed, and the bischopes and prælats delinquent takin order with according to iustice, wee nather craue ther blood, nore harme to thir persones: bot that the abuses and wronges done by them may be trewly remonstrat to his Maiesty, that after dew trayell of the wronges, such order may be takin as the ciuells may be remedit; and that the power wich they haue takin may be restrained, that the lyke ciuells may be preuented in tyme to come.

Londoun thus hauing endit his speach, Traquair, the Thesaurer, preceeding in counsaile, acknouledged the treuthe of the relatione and equity of the petition, and so remoued the parties complainers. It past to interloquitor, and thereafter in ane acte.

1637.—December 24.

25. *Act of Council.\**

The Lordes of secrett counsaile, hauing heard and considered the tuo suplications and petitions giuen in by the noblemen, barrons, ministers and burgeses, and fuding the matter in them contained to be of that waight and importance, that they cannot determin therein wntill his Maiestie be acquainted with the same, and his royall pleasur returned theranent. Therfor, the saides Lordes, for ansuer to the tuo suplications and petitions, declared that they present the same to his Maiesties royall consideratione, and that without preiudice of the declinator giuen in by the saides supplicants, quherwpon they shall be hard in tyme and place conuenient; and in the meane tyme shall receaue no præiudice: quherwpon the saides supplicants asked instruments.†

\* Balfour, vol. ii., p. 249.

† There is ou record a Declaration by the King as to the Service Bookes, (f. 242,) 7 Dec. 1637; a proclamation aganist Conuocations, (f. 246,) on 19 Feb. 1638; a Declaration anent the Service Booke, (f. 253,) on 9 July; another, (f. 263,) 22 Sept. and act thereanent



1638.—February 19.

26. *Proclamation at Stirling.\**

CHARLES by the grace God, King of great Britaine, France, and Ireland, defender of the faith, &c. To Our Lovits, &c.

Our Sheriffes in that part conjunctly and severally, specially constituted, greeting. For as much as Wee out of Our Princely care of maintenance of the true Religion already professed, and for beating downe of all superstition, having ordained a Book of Common prayer to be compiled for the generall use and edification of Our subjects within Our ancient Kingdome of Scotland, the same was accordingly done: In the performing whereof, We took great care and paines; So as nothing past therein but what was seene and approved by Us, before the same was either divulged or printed, assuring all Our loving subjects, that not onely Our intention is, but even the verie Book will be a readie meanes to maintaine the true Religion already professed, and beat out all Superstition; Of which We in Our owne time do not doubt but in a faire course to satisfie Our good subjects. But having seene and considered some Petitions and Declarations given into Our Councell against the said Book and late Canons of the Church, We find Our Royall Authority much injured thereby, both in the matter and in the carriage thereof; whereby We conceive these of Our Nobility, Gentrie, Burroughs, Ministers, and others, who kept and assisted these meetings and Convocations for contriving and forming the said Petitions, or who have subscribed the same, to deserve and bee liable to Our high censure, both in their persons and fortunes, as having conveyed themselves without either Our consent or authoritie; Yet because Wee beleeve that what they have done herein is out of a preposterous zeale, and not out of any disloyaltie or disaffection to Sovereigntie, We are graciously pleased in so farre as concernes these meetings for consulting or subscribing of these Petitions, or presenting the same to any Judge or Judges in Our said Kingdome, to dispense therewith, and with what may bee their fault or errour therein, to all such as upon signification or declaration of Our pleasure shall retire themselves as becometh good and dutifull subjects: To which purpose Our will is, and We charge you straightly, and commands, that incontinent these Letters seene, you passe, and in Our name and authoritie make intimation hereof, to all Our lieges and subjects, by open Proclamation at all places needfull, wherethrough none pretend ignorance thereof; And therewith also, That you in Our name and authoritie discharge all such convocations and meetings in time comming,

(f. 264,) and for the King's Confession, (f. 265,) with the general bond for maintenance of the true religion, (f. 266.) An Act ordaining the lieges to sign it, (f. 269,) 24 Sept. A Missive from the King to the Council, for assisting the Commissioner at the Assemblie, (f. 271,) ult. Oct. Warrant for sealing Commissioners' Commission, (f. 273,) 13 Nov. Charge against suche as goes to the Assemblie without Commission, (f. 274) 14 Nov. Missive for assisting the Commissioner at the Assemblie, (f. 275,) dated 8 Nov. Letter from the Council to the King, (f. 275,) dated from Glasgow, 28 Nov. Proclamation for dissolving the Assembly of same date, (f. 276,) and a Proclamation anent the Assembly annulling the acts done therein, dated at Halyrudhouse, the 13 of Dec. (f. 278.) Of these several Acts and Documents, the most material are inserted in the present collection—and such as are omitted will be found on the record of the dates, and in the folios of the original now indicated.

\* Large Declaration, p. 48.

under the paine of treason: And also that you command, and charge, and inhibit all our lieges and subjects, that none of them presume nor take in hand to resort nor repaire to Our Burgh of Sterling, nor to no other Burgh, where Our Councell and Session sits, till first they declare their cause of comming to our Councell, and procure their warrant to that effect. And further, that you command and charge all and sundrie Provosts, Bailiffes, and Magistrates within Burgh, That they and everie one of them have a speciall care and regard to see this Our Royall will and pleasure really and dutifully obeyed in all points; And that no violation thereof be suffered within their bounds, under all highest paine, crime, and offence that they may commit against Us in that behalfe. As also that you command and charge all and sundrie Noblemen, Barons, Ministers and Burrowes, who are not actual indwellers within this Our Burgh, and are not of the number of the Lords of our privie Councell and Session, and members thereof, and are already within this Our Burgh, that they, and everie one of them, remove themselves, and depart and passe forth of Our said Burgh, and returne not againe, without the warrant aforesaid, within six houres after the publication hereof, under the said paine of treason. And as concerning any Petitions that hereafter shall be given unto Us, upon this or any other subject, Wee are likewise pleased to declare, that We will not shut Our ears therefrom; so that neither the matter nor forme be prejudiciall to Our Regall Authoritie. The which to do We commit to you, conjunctly and severally, Our full power by these Our Letters, delivering the same by you duely exeente and indorsed againe to the bearer. Given under Our Signet at Sterling the nineteenth day of February, And of Our Reigne the thirteenth yeere, 1638.

Per actum Secreti Concilii.

1638.—February 19.

27. *Protestation by Lords Hume and Lindsay.\**

FOR GOD AND THE KING.

We Noblemen, Barons, Ministers, Burrowes, appointed to attend his Majesties answer to our humble Petition and complaint, and to preferre new grievances, and to do what else may lawfully conduce to our humble desires; That whereupon the 23. of September last, wee presented a Supplication to your Lordships, and another upon the 18. of October last, and also a new Bill relative to the former upon the 19. of December last, and did therein humbly remonstrate our just exceptions against the Service Book, and Book of Canons; and also against the Archbishops and Bishops of this Kingdome, as the contrivers, maintainers, and urgers thereof, and against their sitting as our Judges untill the cause be decided; earnestly supplicating withall to bee freed and delivered from these and all other innovations of that kinde, introduced against the laudable Lawes of this Kingdome; as that of the High Commission, and other evils particularly mentioned, and generally contained in our foresaid supplications and complaints, and that this our partie delinquent against our Religion and Lawes may be taken order with, and these pressing grievances may be taken order with and redressed according to the Lawes of this Kingdome, as by our said supplications and complaints more largely doth appeare: With the which on the 19. of December last, we gave in a Declinator against the

\* Large Declaration, p. 50.



Arch-bishops and Bishops as our parties, who by consequence could not be our Judges; whereupon your Lordships declared by your Act at Dalkeith the said 19. of December, that you would present our Petitions to his Majesties Royall consideration, and that without prejudice of the Declinator given in by us the said supplicants; whereupon we should be heard at place and time convenient, And in the mean time should receive no prejudice, as the said Act in it self beareth. And whereas we your Lordships supplicants with a great deale of patience, and hope also, grounded on sundry promises, were expecting an answer to these our humble desires, and having learned that upon some directions of His Majesties anent our supplications and complaint unto your Lordships of the Secret Councell, your Lordships admits to the consulting and judging anent our supplications, and His Majesties answers thereunto, the Archbishops and Bishops our direct parties, contrarie to our Declinator first propounded at Dalkeith, and now renewed at Sterling; and contrarie to your Lordships Act aforesaid at Dalkeith, and contrarie to our Religion and Lawes, and humble supplications. Therefore lest our silence be prejudiciall to this so important a cause, as concerns Gods glorie and worship, our Religion, Salvation, the Lawes and Liberties of this Kingdome, or derogatorie to the former supplications and complaints, or unanswerable to the trust of our Commission; out of our bound dutie to our God, our King and native Countrey, we were forced to take instruments in Notaries hands, of your Lordships refusall to admit our Declinator, or remove these our Parties, and to protest in manner following: First, That we may have our immediate recourse to our sacred Sovereign, to present our grievances, and in a legall way to prosecute the same before the ordinarie competent Judges, Civill or Ecclesiasticall, without any offence offered by us, or taken by your Lordships. Secondly, We protest that the said Archbishops and Bishops, our Parties complained upon, cannot be reputed or esteemed lawfull Judges to sit in any Judicatorie in this Kingdome, Civill or Ecclesiasticall, upon any of the supplicants, untill after lawfull tryall judicially they purge themselves of such crimes as we have already laid to their charge, offering to prove the same whensoever His Sacred Majestie shall please to give us audience. Thirdly, We protest that no Act nor Proclamation to follow thereupon, past, or to be past in Councell or out of Councell, in presence of the Archbishops and Bishops, whom we have already declined to be our Judges, shall any wayes be prejudiciall to us the supplicants, our persons, estates, lawfull meetings, proceedings, or pursuits. Fourthly, We protest that neither we nor any whose heart the Lord moveth to joine with us in these our supplications against the foresaid Innovations, shall incurre any danger, in life, lands, or any Politicall or Ecclesiasticall paines, for not observing such Acts, Bookes, Canons, Rites, Judicatories, Proclamations, introduced without or against the Acts of Generall Assemblies, or Aëts of Parliament, the Statutes of this Kingdome; But that it shall be lawfull for us or them to use our selves in matters of Religion of the externall worship of God and Policie of the Church, according to the word of God, and laudable Constitutions of this Church and Kingdome, conforme to His Majesties Declaration the ninth of December last. Fifthly, Seeing by the legall and submisse way of our former supplications, all who takes these Innovations to heart, have been kept calme and carried themselves in a quiet manuer, in hope of redresse; We

protest, that if any inconvenience shall happen to fall out (which we pray the Lord to prevent) upon the pressing of any of the foresaid Innovations or evils, specially or generally contained in our former supplications and complaints, and upon your Lordships refusall to take order thereanent, the same be not imputed to us, who most humbly seeks all things to be reformed by an Order. Sixthly, We protest that these our requests, proceeding from conscience and a due respect to His Majesties honour, doe tend to no other end, but to the preservation of the true reformed Religion, the lawes and liberties of this His Majesties most ancient Kingdome, and satisfaction of our most humble desires contained in our supplication and complaint, according to his Majesties accustomed goodnesse and justice, from which we doe certainly expect that His Sacred Majestie will provide and grant such remedie to our just petitions and complaints, as may be expected from so gracious a King toward most loyall and dutifull subjects, calling for redresse of so pressing grievances, and praying to God that his Majestie may long and prosperously reigne over us.

1638.—March 3.

28. *Instructions from his Majesties Council to the Lord Justice-Clerk, whom they have ordained to go to Court for his Majesties service.\**

In the first, you are to receaue from the clercke of the counsaile all the actes since our meitting one the 1 of Marche instant.

Item, you haue to represent to his Matie, that this dayet of counsaile was appoynted to be kept solemnly, by adwise of the Lord Chancellor and remanent Lordes of the clergie, being at Edinbrughe for the tyme, quo assurid ws that they wold keepe the dayett preceisly; bot at our meitting at Stirlinge, wee receaued a letter of excusse from the Lord Chancellor, wich forced ws to proceid without his presence, or aney other of the Lordes of the clergie, except the Bischope of Brechin, quho attendit with ws three dayes, bot remoued befor the closinge of our oppinion anent the bussines.

Item, imediatly after wee had resolved to directe you with a letter of trust to his Maiestie, wee did send our letter to the Lord Chancellor, acquainting him with our proceedinges, and desyring him to consider therof, and if he approued the same, to seinge them, and cause the remanent Lordes of the clergie, being ewest to him, and namlie, the Bischope of Brechin, quho was ane eare and eye wittnes to our consultations, to signifie the same to his Maiestie, and by his letter to signifie hes approbation therof; or if his Lordschipe did find aney other way more conuenient for his Maiesties honor, and peace of the countrey, that his Lordschipe, by his letter to the (L's) Thesaurer and Priuey Seall, wold acquaint them therewith, to the effecte they might conweine the counsaile for consulting theranent.

Item, that ze show to his Maiestie, that the counsaile, all in one voyce, findes, that the cause of the generall combustion in the countrey, are the fears apprehendit of the inuouation of religion and discipline of the kirke, established by the lawes of the kingdome, by occasione of the seruice booke, booke of canons, and heighe commission, and formes of introduction therof.

Item, you are to represent to his Matie our humble oppinions, that seing, as wee conceaue, the seruice booke, booke of canons, and heighe commission, (as is sett doune) are the occasione of this com-

\* Balfour, vol. ii., p. 258.



bustion; and that the subiects offers them to proue, wpon perrill of ther liues and fortuus, to cleir that the said seruice booke, and wthers forsaides, contene diuersse poyntes contrarey to the trew religion presently professed, and lawes of the kingdome, in matter and maner of introduction; that the Lordes thinkes it expedient, that it be represented to his Maiesties gracious consideratione, that his Maiestie may be pleassid to declare, as ane acte of his singular iustice, that his Maiestie will take trayell of his subiects griuances, and reasons therof, in his auen tyme, and in his auen way, according to the lawes of the kingdome; and that his Maiestie may be pleassed grationsly to declaire, that in the meane tyme he will not presse nor vrge his subiectes therwith, notwithstanding of aney acte or warrand made in the contrary.

And in caisse his Maiesty shall be gratuslie pleassed to approue of our oppinions, you are thereafter to represent to his Maiesties wysse and gracious consideratione, if it shall be fitting to consulte his Maiesties counsaile, or some suche of them as he shall be pleased to call, ore allow to be sent from the table, both anent the tyme and way of doing.

Item, if his Maiestie (as God forbid) shall dislyke of quhat wee eonceaue to be most conducing to his Maiesties seruice and peace of the kingdome, you are to vrge by all the arguments you can, that his Maiestie doe not determine vpon aney other coursse, untill some at least of his counsaile from this be hard to giue the ressons of ther opinions; and in this caisse you are lykwayes to represent to his Maiesties consideratione, if it shall not be fitting and necessar to call for his informers, togider with some of his counsaile, that in his auen presence he may haue the reasons of both informations fully delatted.

Item, you shall show to his Maiestie, that his counsaile, hauing takin to ther consideratione quhat furdur was to be done, for compassing and settling the present combustion within the kingdome, and dissipatinge of the conuocations and gatheringes within the samen, seing that proclamations are alredey made and published, discharging all suche conuocations and unlawfull meittings, the (L's) after debaitting, findes they can doe no furdur then is alredey done heirin, untill his Maiesties pleasur be returned to thir our humble remonstrances.

1638.—March 5.

29. *Letter from Traquair and Roxburgh to the King.\**

MOST SACRED SOVERAIGN,

Although the miserable Estate of this poor Kingdome will be sufficiently understood by Your Majesty from this Gentleman, Sir John Hamilton's Relation, yet we conceive our selves in a special manner bound and obliged to represent what we conceive does so nearly concern Your Majesties Honour and Service; and therefore give us leave truly and faithfully to tell Your Majesty, that since the last Proclamation, the fear of Innovation of Religion is so apprehended by all sorts of Subjects from all eorners of this Kingdome, that there is nothing to be seen here but a general Combustion, and all men strengthening themselves by subscribing of Bonds, and by all other means for resisting of that which they seem so much to fear. This is come to such a height, and daily like to increase more and more, that we see not a probability of Force or Power within this Kingdom to repress this Fury, except Your Ma-

jesty may be graciously pleased, by some Act of Your Own, to secure them of that which they seem so much to apprehend, by the inbringing of the Books of Common-Prayer and Canons.

The way which the Subjects have taken and daily go about in the prosecution of their business is inexcusable, and no ways agreeable to the duty of good Subjects, but Your Majesty is wisely to consider what is the best and safest course for Your Own Honour and Peace of Your Government; and since Religion is pretended to be the cause of all, if it shall not be a safe course to free them at this time of Fears, by which means the wiser sort will be satisfied, and so Your Majesty enabled with less pain or trouble to overtake the Insolencies of any, who shall be found to have kicked against Authority.

We are the rather moved at this time to be of this opinion, that having found it the opinion, not only of those to whom Your Majesty wrote in particular, (except of the Marquis of Huntley, who as yet is not come from the north:) but of most of the Noblemen, and men of respect within this Kingdom: we find few or none well-satisfied with this business, or to whom we dare advise Your Majesty to trust in the prosecution thereof; and if any have, or shall inform Your Majesty to the contrary, give us leave humbly to intreat Your Majesty, to be pleased to call them before Your Self, that in our presence You may hear the reasons of both Informations fully debated. So praying God to grant Your Majesty many happy days, and full contentment in all your Royal designs, we humbly take our leave, and rest,

Your Majesties humble Servants,  
and faithful Subjects,  
Traquair.  
Roxburgh.

Sterlin March 5. 1638.

1638.—March 5.

30. *Letter from the Council to Marquis of Hamilton.\**

OUR VERY HONOURABLE GOOD LORD,

We finding the Subjects Fears and Stirs to increase since the last Proclamation, did appoint by the Lord Chancellour, and other Lords of the Clergy, their Special Advice, a solemn Dyet of Coucail to be kept at Sterlin, on the first of March, where the Lord Chancellour, and other Lords of the Clergie, promised to be present to consult upon the growth of the publick Evils and Remedies thereof, for His Majesties Honour and Peace of this Country; but haviug met at Sterlin, we received a Letter of Excuse from the Lord Chaucellour, and were forced to proceed without him, and the other Lords of the Clergy; where, after we had spent four days in advising upon the said Evils and Remedies of them, we resolved in eud to direct Sir John Hamilton of Orbiston, one of our number, with a Letter of Trust from us to His Majesty, to whom we have imparted our Opinions, and Reasons of the said publick Ills, and Remedies of the same, to be represented to His Sacred Majesty; and because the business is so weighty and important, that in our opinion the Peace of the Country was never in so great hazard, we have thought fit to recommend the business to your Lordships consideration, that after your Lordship has heard the Justice-Clerk therein, your Lordship according to your great interest in His Majesties Houour and Peace of the Kingdom, may

\* Burnet, p. 36.

\* Burnet, p. 37.



concur by your best advice and assistance at His Majesties hands to bring these great and fearful Ills to a happy event. So committing your Lordship to the Grace of God, we rest

Your Lordships very good Friends,

Traquair	Lauderdale	Napier
Roxburgh	Southesk	J. Hay
Winton	Angus	Tho. Hope
Perth	Lorn	J. Carmichael
Wigton	Down	W. Elphinston
Kinghorn	Elphinston	

Sterlin March 5. 1638.

1638.—March 27.

31. *Demands by the Covenanters given to Traquaire.\**

First, It is certaine that the present not wring or present discharging of the service booke, the booke of canons, and off the last heighe commissione, cannot satisfie our supplications, complaints, protestatione and cofession, cannot remeed the present euills, nor prewine the lyke in time coming.

2. Experience sheweth the necessity, that this kirke must be assured, by ane acte of free generall assembly, and of ane parliament, that shoe shall neuer be vrgeid heirafter with aney alteratione in poyntes of doctrine, diwyne worschipe, or churche gouernment, bot that wich shall be first aggheid vpon in a lawfull and free generall assembly, wich is order appoyuted be God, obserued and prescrib- ed in this churche since the reformatione, and the principall meine to giue satisfactiōe to all mens myndes in matters of religion, as far so as is possible.

3. Pastors and professors can neuer be free of troubles or feares, so long as the terror of the heigh eommission standes ouer ther heades, wich canuot be limited, bot quyte discharged.

First, Becausse it was introduced and exercissed, not only with the lawes of this kirke and kingdome, bot aganist the expresse acte of bothe.

2. It is [a] courte of ciuile and ecclesiasticke persons, hauing pouer to inflicte both spirituall and temporall paines, and therfor, being in the constitutione therof wnlawfull, cannot be qualified with aney limitations.

3. A commissione for ecclesiasticke persons to inflicte spirituall censures, cannot proceed from the King, bot from the generall assembly of the kirke: and a commissione to ciuile persons to inflicke temporall paines for ecclesiastick causes, cannot proceed bot from the parliament, at the desyre of the assemblies.

4tly. It subuerteth all other iudicatories of this kirke and realme, and indangereth the liberties, estaites and persous of the quholl leidges.

4o. The vrginge of the articlekes of Perth, wnder ecclesiasticke and ciuile paines, hath caussed grate trouble and dissention in the kirke, made way for all ther subsequent innouations and superstitions, and zet is nather warranted be the acte of assembly, wich doeth nather containe aney penaltie, nor inoyn'd by way of præcept, necessarily to be obeyed, bot by way of counsaile, freeilie to be obserued; and that wpon this resson, seing all memorye of by-gaine superstitione is past, wich being anima legis, inferreth via contrariorum, by way of contraries, the necessity of our not obseruing, seing the memorye of by-gaine superstition is now reuiued and pressed, according to the last claus of the 21 artickell of our large Confession of Faith, ratified in parliament, and

according to our promisse in our lait confession; nather is it zet warranted by the actes of parliament, wich doeth ratifie the actes of this assembly, without aney desyre from the kirke; zea, contrarey to the suplications and protestations of maney godlie and learnid of the ministrie, bot neuer intendit, nor could change the free voluntarey obseruance in matters ecclesiasticke of ane churche counsaile, wnto the necessarye obedience of a penall statute, and therfor the vrging of the Perth artickells must cease and desist.

5o. Ther is no appirance of staying the present commotions and combustions in the kingdome, of satisfieing the Kinges houor and mynd, misinformed by our aduersaries, nor of cleiring of the subiects pious loyaltie, in ther legall and peacefull proceed- ings, from all calunnies and misconstructions, accept in a free generall assemble; the present arch- bishopes and bischopes, the authiors and cause of all the innouations compleined vpon, and of all mis- informations aganist the compleiners, be trayed and censured according to the actes of the generall assembly; for it is aganist all law and reasone, that they should be, without dew censure, suffred to reuelle at ther pleasure; and ther auen acte of the assembly at Glasgow, quherby they haue ther pouer appoynted them, to be censured in ther lyffe, office and benefice, by the generall assembly, sick- lyke that ministers be trayed in ther office and con- uersatione, and censured according to the actes of the assembly.

6. For keiping the purity of religion in this kirk, and establishing a firme peace in this kingdome in tyme coming, generall assemblies must be haldin at the ordinarey tyme, for the commissioners appoynt- ed by K. James for the assemble, at Linlithgow, 1606, and wthers acquainted withe his Maiesties in- tentions, declare that his Maiesty was neuer of ane other mynde, bot that the holding generall assem- blies at certane competent tymes, was and is a most necessarye meine for preservation of piety and vnion in the kirke, and for exterminatione of heresie and schisme, (quhilk our dolefull experience, and innumerable euells following vpon vant therof, doeth wudenayablie confirme); and therfor it was his will, that the acte of parliament should stand in force for conweining the generall assembly once in the zeire, lyke as it was acknowledged in the affor- said assembly of Glasgow, 1610, that the necessity of the kirke did craue, that for taking order with the common enimney, and for other affaires of the kirke, ther be zeirliche generall assemblies, and therfor that assembly requysted his Maiestie, that generall assemblies might be haldin once in the zeire, ore at least at sett tymes, in all tyme coming.

7o. The least can be sought for the present concerning ministers wotters in parliament, is, that they be limited by the particular caueatts aggheid one in the assemble, 1600, at Moutrose, and by aney other cautious to be made, as the assembly shall thinke meitt and necessarye, (from oure 37 zeires experience of the fruittes and consequences thereof,) as it was appointed at that tyme; for so longe as they wotte in parliament, absolutly without the limitation of ther cautious, they cau neuer be thought to wotte in name of the kirke.

8o. Ther can be no houe of continuance of reli- gione in the kirke, (althowce are deliuered from all other euells) except some better coursse be takin for the free entrey of ministers, without wnlawfull othes, and with the consent of the presbeteries and of the people; for this end it wold be remembered, that it was declared, acte 114, parl. 1592, that God

\* Balfour, vol. ii, p. 252.



had giuen to the spirituall office bearers of the kirke, colatione and depriuatione of ministers, and therfor the commission granted to bischopes, in A° 1584, to receaue the presentatione to benefices, wes declared to be null in all tyme coming; and it was ordained, that all presentations to benefices be directed to particular presbyteries in all tyme coming, with full pouer to giue colatione therwpon, they being the lawfull office bearers of the kirke, to quhom God hath giuen that right, wichi therfor nather was nor can be takin from them absolutly, nor giuen to bischopes exclusiue.

1638.—March 27.

32. *Letter by the Covenanters to each of the Lords of Privy Council.\**

MAY IT PLEASE YOUR LORDSHIP,

Wee the Ministers of the Gospel, conueened at this so necessarie a time, doe finde our selves bound to represent, as unto all, so in speeiall unto your Lordship, what comfortable experience we have of the wonderfull fauour of God, upon the renewing of the Confession of faith and Covenant, what peace and eomfort hath filled the hearts of all Gods people, what resolutions and beginnings of reformation of manners are sensibly perceiued in all parts of the kingdome, above any measure that ever we did finde or could have expected, how great glorie the Lord hath received thereby, and what confidence we have (if this sunshine be not eclipsed by some sinfull division or defection) that God shall make this a blessed kingdome, to the contentment of the Kings Majestie, and joy of all his good subjects, aeording as God hath promised in his good Word, and performed to his people in former times; And therefore we are forced from our hearts both to wish and entreat your Lordship to be partaker and promouer of this joy and happinesse by your subscription, when your Lordship shall thinke it convenient: And in the meane while, that your Lordship would not be sparing to give a free testimonie to the truth, as a timely and necessarie expressiōe of your tender affection to the cause of Christ now calling for helpe at your hands: your Lordships professiōe of the true Religion as it was reformed in this land, the nationall oath of this kingdome sundry times sworne and subscribed, ablishting us who live at this time, the dutie of a good Patriot, the office and trust of a Privie Councellour, the present employment to have place amongst those that are first acquainted with his Majesties pleasure, the consideration that there is the time of tryall of your Lordships affection to Religion, the respect which your Lordship hath unto your fame both now and hereafter, when things shall be reeorded to posteritie, and the remembrance, that not onely the eyes of men and Angels are upon your Lordships carriage, but also that the Lord Jesus is a secret witnesse now to observe, and shall be an open Judge hereafter to reward and confesse everie man before his Father, that coufesseth him before men: All of these and each of them, besides your Lordships personall and particular obligations to God, doe call for no lesse at your Lordships hands, in the cause of so great and singular necessitie; and we also doe expect so much at this time, aeording as your Lordship at the houre of death would be free of the terrour of God, and be refreshed with the comfortable remembrance of a word spoken in season for Christ Jesus, King of Kings and Lord of Lords.

\* Large Declaration, p. 38.

1638.—April 28.

33. *Articles for the present Peace of the Kirk and Kingdom of Scotland, signed by Rother, Cassils, and Montrose.\**

If the Question were about such matters as did come within the compass of our own power, we would be ashamed to be importunate, and should be very easily satisfied without the smallest trouble to any; but considering that they are the matters of Gods honour, of the Kingdom of Christ, and the peace of our Souls, against the Mystery of Iniquity, which we clearly perceive to have been uncessantly working in this Land since the Reformation, to the ruine of true Religion in the end; it cannot stand with our duty to God, to our King, to our Selves and Posterity, to crave or be content with less, than that which the word of God, and our Confession of Faith doth allow, and which may against our Fears establish Religion afterwards.

I. The discharging of the Service-Book, the Book of Canons, and of the late High Commission, may be a part of the satisfaction of our humble Supplications, and just Complaints, which therefore we still humbly desire; but that can neither be a perfect Cure of our present Evils, nor can it be a preservative in time to come.

II. When it is considered what have been the Troubles and Fears of his Majesties most loyall Subjects from the High Commission, what is the nature and constitution of that Judicatory, how prejudicial it proves to the lawful Judicatories of the Kirk and Kingdom, how far it endangers the Consciēces, Liberties, Estates and Persons of all the Lieges, and how easily, and far more contentedly all the Subjects may be kept in order, and obedience to His Majesties just Laws, without any terrour of that kind; we look that his Majesties Subjects, who have been used to obey according to the Laws, shall be altogether delivered from the High Commission, as from a yoke and burden, which they feel and fear to be more heavy than they shall be ever able to bear.

III. Remembring by what wayes the Articles of Perth were introduced, how strangely and with what opposition they were carried in the Assembly, upon what Narrative they were concluded, how the Ratification in Parliament was not desired by the Kirk, but earnestly supplicated and protested against, how they have been introductory of the Service-Book, whereof now they are become Members, and in their nature make way for Popery, (whatsoever hath been the intentions of the Urgers;) and withall, what Troubles and Divisions they have caused these twenty years in this Kirk and Kingdom, and what Jealousies between the Kings Majesty and His Subjects, without any Spiritual profit or edification at all; as we can see no reason why they should be urged by Authority, so can we not find, but we shall be more unable to digest them than in the beginning, when we had not as yet tasted, and known how bitter and unwholsome they were.

IV. The Judgements of the best Divines of the Reformed Kirks, and of the most Pious and Learned of this Kirk since the Reformation, concerning the Civil Places and Offices of Kirkmen, and concerning the Vote of Ministers in Parliament, have been made known in divers generall Assemblies; which moved the Assemblies of this Kirk, when they could not by their modest opposition prevail to limit the Miuisters that were to Vote in Parliament, by any

\* Burnet, p. 39.



particular Cautions agreed upon at first, and ordained to be inserted in the Act of Parliament, and by other Cautions to be made afterward, as the Assembly should find meet and necessary; and, therefore, if we will declare our minds, after lamentable experiences of the Evils which were then foreseen, feared, and foretold, we cannot see how Ministers voting in Parliament, absolutely without the limitation of these Cautions, can be thought fit to Vote in the name of the Kirk.

V. We have no Grievance more universal, more ordinary, and more pressing, than that worthy men, who have Testimonies of their Learning from Universities, and are tried by the Presbyteries to be qualified for the Work of the Ministry, and for their Life and Gifts earnestly desired by the whole People, are notwithstanding rejected because they cannot be persuaded to Subscribe and Swear such unlawful Articles and Oaths, as have neither warrant of the Acts of the Kirk, nor Laws of the Kingdom, and others of less worth, and ready to swear for base respects, unworthy to be mentioned, are obtruded upon the People, and admitted to the most eminent Places of the Kirk, and Schools of Divinity, which causes continual Complaints, makes the People run from their own Kirks, refuse to receive the Sacrament at the hands of the Ministers set over them against their hearts, or to render them that Honour which is due from the People to their Pastors, and is a mighty hindrance to the Gospel, to the Souls of the People, and to the Peace of the whole Kirk and Kingdom; all which might be easily helped, by giving place to the 114 Act of Parliament, 1592, declaring, That God hath given to the Spiritual Office-bearers of the Kirk Collation and Deprivation of Ministers, and ordaining that all Presentations to Benefices be directed to particular Presbyteries in all time coming, with full power to give Collation thereupon, they being the lawful Office-bearers of the Kirk, to whom God hath given that right; which therefore, never was nor can be taken from them, and so conferred upon others, at that they shall be quite secluded therefrom.

VI. The lawful and free National Assemblies of this Kirk, warranted by Divine Authority, ratified by Acts of Parliament, kept in other Reformed Kirks, and in this Kirk since the Reformation, and acknowledged by King James to be the most necessary means for preservation of Piety and Union, and for extermination of Heresie and Schism, (who willed, therefore, that the Act of Parliament for convening the General Assemblies once in the year should stand in force;) if they were revived, and by His Majesties Authority appointed to be kept at the ordinary times, and if one at His Majesties first opportunity, and so soon as may be conveniently, should be indicted, Kirkmen might be tried in their Life, Office, or Benefice, and kept in order without trouble to His Majesty, and without offence to the People, the present Evils might be speedily helped, to His Majesties great honour and content, and to the preservation of the Peace of the Kirk, and these courses might be stopped afterwards: and on the contrary, while Kirkmen escape their due Censure, and matters of the Worship of God are imposed without the consent of the free Assemblies of the Kirk, they will ever be suspected to be unsound and corrupt, as shunning to be tried by the Light, to the continual entertaining of heart-burnings amongst the People, and to the hindrance of that cheerfulness of obedience which is due, and from our Hearts we wish may be rendred to the Kings Majesty.

VII. If according to the Law of Nature and Na-

tions, to the Custom of all other Kingdoms, and the laudable example of His Majesties worthy Progenitors, in the like cases of National Grievances, or of Commotions and Fears of a whole body of a Kingdom, his Majesty should be graciously pleased to call a Parliament, for the timeous hearing and redressing of the just Grievances of the Subjects, for removing of their common Fears, and for renewing and establishing such Laws, as in time coming may prevent the one and the other, and may serve to the good of the Kirk and the Kingdom, that the Peace of both might be firmly settled, and mens minds now so awakened might be easily pacified; and all our Tongues and Pens are not able to represent, what would be the joyful Acclamations and hearty Wishes of so loyal and loving a People, for His Majesties Happiness, and how heartily bent all sorts would be found to bestow their Fortunes and Lives in His Majesties Service.

VIII. The more particular Notes of all things expedient for the well of the Kirk and Kingdom, for His Majesties honour and satisfaction, and for extinguishing of the present Combustion, may be given in to be considered in the Assembly and Parliament.

1638.—April 28:

34. *Articles of Information to Mr Andrew Learmonth, for my Lord Archbishop of Saint Andrews, the Bishop of Ross, &c. and in their absence, for my Lord Archbishop of Canterbury his Grace.\**

I. You shall show their Lordships, How they have changed the Moderator of the Presbytery of Edinburgh, and are going on in changing all the Moderators in the Kingdom.

II. How they have abused Doctor Ogston the ninth of May in Edinburgh, Mr George Hannay at Torphichen the sixth of May, Doctor Lamond at Markinch the ninth of May, Mr Robert Edward at Kirkmichael, whom Kilkerrin is forced to entertain at his own House.

III. That the Presbytery of Haddingtown have given Imposition of Hands to Mr John Ker's Son, to be his Colleague, without the knowledge of the Bishop; and likewise the Presbytery of Kircaldy to Mr John Gillespy's Son, to the Church of the Weemes; and the Presbytery of Dumfrie, to one Mr John Wier, to the Church of Morton within two miles of Drumlanerick; and that they of Dumfermline have admitted Mr Samuel Row (a Minister banished from Ireland) to be helper to Mr Henry Maekgill; and they of Air Mr Robert Blair, to be helper to Mr William Annand; and that the Town of Dumfrie have made choice of Mr James Hamilton to be their Minister; and the Town of Kirkcubright one Mr John Macklennan, all of them banished from Ireland; and Mr Samuel Rutherford is returned and settled in his Place; and they intend to depose Mr John Trotter, Minister of Dirlinton; and how they intended to use the Regents.

IV. That the Council of Edinburgh have made choice of Mr Alexander Henderson to be helper to Mr Andrew Ramsay, and intend to admit him without advice or consent of the Bishop.

V. That the Ministers of Edinburgh, who have not subscribed the Covenant, are daily reviled and cursed to their Faces, and their Stipends are withheld and not payed; and that all Ministers who have not subscribed are in the same case and condition with them.

VI. That they hound out rascally Commons on

\* Burnet, p. 41.



men who have not subscribed the Covenant, as Mr Samuel Cockburn did one John Shaw at Leith.

VII. That His Majesty would be pleased by his Letters, to discharge the Bishop of Edinburgh to pay any Prebend-fee, to those who have subscribed the Covenant; as also by His Royal Letters to discharge the Lords of Session, to grant any Process against the Bishop for their Fees.

VIII. That His Majesty would be pleased in the Articles of Agreement with the Nobility, to see honest men, who shall happen in this tumultuous time to be deposed from their Places, restored and settled in them, and others that are violently thrust in, removed; and that the wrongs done to them be repaired.

IX. That if it shall happen his Majesty to take any violent course for repressing these Tumults and Disorders, (which God forbid) that in that case their Lordships would be pleased to supplicate His Majesty, that some speedy course may be taken for securing of the persons of these honest men, who stand for God and His Majesty.

Signed,

Da. Edin.	Ja. Hannay.
Ja. Dumblanen.	Da. Michell.
Ja. Lismoren.	Da. Fletcher.

1638.—May 16.

35. *Proclamation by the King.\**

CHARLES R.

Charles by the Grace of God King of Scotland, England, France, and Ireland, Defender of the Faith, to our Lovits, our Sheriffs in that part, conjunctly and severally, specially constitute, Greeting.

Forsamiekle as We are not ignorant of the great Disorders which have happened of late within this Our ancient Kingdom of Scotland, occasioned (as is pretended) upon the introduction of the Service-book, Book of Canons, and High Commission, thereby fearing Innovations of Religion and Laws; for satisfaction of which Fears We well hoped, that the two Proclamations of the eleventh of December, and nineteenth of February, had been abundantly sufficient: nevertheless finding, that Disorders have daily so increased, that a powerful rather than a persuasive way might have been justly expected from Us; yet We, out of Our innate Indulgence to Our People, grieving to see them run themselves so headlong into Ruine, are graciously pleased to try if by a fair way We can reclaim them from their faults, rather than let them perish in the same. And therefore once for all, We have thought fit to declare, and hereby to assure all Our good People, that We neither are, were, nor (by the Grace of God) ever shall be stained with Popish Superstition, but by the contrary are resolved to maintain the true Protestant Christian Religion, already professed within this Our ancient Kingdom. And for further clearing of Scruples, We do hereby assure all men that We will neither now nor hereafter press the practice of the aforesaid Canons and Service-book, or any thing of that nature, but in such a fair and legal way as shall satisfie all Our loving Subjects, that we neither intend Innovation in Religion or Laws; and for the High Commission, We shall so rectifie it, with the help of advice of Our Privy Council that it shall never impugn the Laws, nor be a just Grievance to Our Loyal Subjects. And as hereby it may appear how careful We are to satisfie the foresaid Fears (how needless soever) of our good Subjects [\*]. So We do hold

Our Selves obliged both in Conscience and Honour, to hinder the course of that which may prejudice that Royal Authority, which God has endued Us with; wherefore, understanding that many of our Subjects have run themselves into seditious and undutiful courses, and willing to reduce them rather by a benign, than forcible mean (because We hope that most of them are drawn thereto, blindly out of fear of Innovations) are content hereby to declare, and promise upon the Word of a King to pardon what is past, and not to take notice of the by-gone faults, no not so much as of those factious and seditious Bonds, upon condition that they seek to Our Mercy by disclaiming the same, and in testification of the true sense of their Misdemeanours, that they deliver up, or continue with their best endeavours to procure the delivering up, of the said Bonds into the hands of Our Council, or such as Our Council shall appoint: Declaring always, likeas We by these presents do declare, all these to be esteemed and reputed as Traitors in all time coming, that shall not renounce and disclaim the said Bond or Bonds, within

after the publication hereof; that is to say, Whosoever will from henceforth be thought a good Subject, and capable of Our Mercy, must either deliver up the same, in case he have it, or concur with his best endeavours to the delivering up thereof, or at least must come to some of Our Privy Council, or chief Officers in Burgh or Land, and testifie to him, that he renounces and disclaims the said Bonds. Our Will is therefore, and We charge you straitly and command, that incontinent this Our Letter seen, &c. C. R.

The other Proclamation penned by the Marquis agrees with the former, to the place that is marked [\*]; after which it follows thus.

So We expect that their behaviour will be such, as may give testimony of their Obedience, and how sensible they are of Our Grace and Favour, that thus pass over their Misdemeanours, and by their future carriage make appear, it was onely the fear of Innovations that caused those Disorders that have happened of late in this Our Kingdom, which now cannot but by this Our Declaration be removed from the hearts of Our loving Subjects: but on the contrary, if we find not this performed with that cheerfulness and alacrity that becomes good and obedient Subjects, We declare and hold Our Self obliged in Honour and Conscience, to make use of those forcible means which God hath armed Royal Authority with, for the curing of disobedient and stubborn People. Our Will therefore is, and We charge you, &c. C. R.

1638.—May 16.

36. *Declaration approved of by the King.\**

Whereas we were in hope by Our late Proclamations to have given satisfaction to Our People, and to have removed their Mistakings of the Book of Common-prayer, which We caused to be published, having thereby declared, that it never entered into Our thoughts to make any Innovation in Religion and Form of Gods Worship, nay, not to press the said Books upon any of Our Subjects, till by a fair way they were induced to approve the same; yet having understood, that to the contrary (by what means We know not) occasions have been taken to confirm them in their former Mistakings, and to bind them by Oaths and Subscriptions against the Laws established by Our dear Father of blessed

\* Burnet, p. 43.

\* Burnet, p. 45.



memory, and ratified by Our Selves since Our coming to the Crown: howsoever there is in that more than just cause offered to take punishment of such an open Contempt and Rebellion, yet considering that this is not the fault of the simple sort and multitude of People, who have been seduced through specious pretexts, as if nothing were contained in the said Bond or Covenant, as they call it, but the promoting of Gods Glory, the maintaining of Our Honour, and Liberty of the Country, with the preserving of Unity among themselves, We no way willing to use Our people with rigour, or to enquire severely into their errors of that kind, have thought meet to renew Our former Declaration, by assuring them, and every one of them, that Our constant Resolution is, and hath been, to maintain the true Religion professed and established by the Laws of that Our Kingdom, without any Change or Innovation, at the hazard of Our Life and Crown, and that We will not force on Our Subjects either the said Book of Common-prayer, or Book of Canons, till the same be duly examined, and they in their Judgments, satisfied with the legality thereof; nor will We permit the exercise of any Commission upon them, for whatsoever cause, which may give unto them any just cause of Grief and Complaint. Willing therefore and requiring all Our People and Subjects to acquiesce to this Our Declaration, and not suffer themselves to be misled by the private or publick Informations of turbulent spirits, as if We did intend any thing contrary to this Our Profession, having always esteemed it a special point of Royal Dignity, to profess what We intend to doe, and to perform what We do promise; certifying all Our good Subjects, who shall hereupon rest quiet in obedience of God and Us, that We will faithfully perform whatsoever We have declared, whether in this or in Our former Proclamations made to that purpose, and be unto them a good and merciful King: as on the other side, if any shall hereafter make business, and disturb the Peace of that Church and Kingdom, by following their private Covenants, and refusing to be ruled by the Laws established, that We will use the Force and Power, which God hath put into Our hands, for compescing and subduing such mutinous and disobedient Rebels. Given at Our Palace of

1638.—May 16.

37. *Queries by Hamilton, and Answers by the King.\**

Queries whereunto Your Majesties Direction and Resolution is humbly prayed, that accordingly I may govern my self, and be warranted for my Proceedings.

1. If before the publishing of the Declaration some of the chiefest of the Petitioners may not be prepared, and laboured to conceive aright of the same, and in general acquainted with Your Majesties gracious Intentions?

*They may.*

2. Where the first meeting of the Council shall be?

*Where you shall find most convenient, the City of Edinburgh only excepted.*

3. If your Majesty will not permit the Council to sit, where, and in such places as is conceived may tend most for the advancement of your Service?

*Yes.*

4. If the Declaration shall not be read to the Council, and they required to sign the same?

*By all means.*

5. If we shall not all swear to give our best assistance for the putting the same in due execution?

*Yes.*

6. If any Councellour refuse to doe it, what course shall be taken with him?

*Dismiss him the Council.*

7. If Acts of Council are not to be made, finding that this Declaration ought to free us of the fears of Innovations either of Religion or Laws?

8. If all Councellours are not to be warned to give their attendance till the business be settled?

*Yes.*

9. If upon the publication of this Declaration there be Protestations made, what course shall be taken?

*The Protesters must be proclaimed Rebels.*

10. If no Protestations but Petitions of new be presented, either demanding further satisfaction, or adhering to their former, what Answer shall be made, or what course taken?

*Ut supra.*

11. If they remain still in a Body at Edinburgh or elsewhere, after the Declaration, what course shall be taken?

*You must raise what Force you may to treat them as Rebels.*

12. If they should petition against the High Commission itself, as not to be introduced without an Act of Parliament, what Answer shall be given?

*That they must be content with My Declaration in that point.*

13. If against the matter contained therein, it is then desired that those particulars may be expressed that will not be yielded to?

*The settling thereof according to My Declaration will answer this.*

14. If it be pressed that what is now concluded, concerning the High Commission be ratified in the next Parliament, what Answer shall be given?

*If I may be sure that a Parliament will doe it, I shall be content.*

15. If they Petition for a Convention, what Answer shall be given?

*No Petition must be admitted till the Bond\* be broken; if after, you may grant it, leaving the time to Me.*

16. If they petition for a General Assembly, that it may be once in the year, what Answer shall be given?

*I will not be tied, but as I shall find cause.*

17. If they petition that the Ministers Oath maybe no other than that which the Act of Parliament doth order them to take, what Answer shall be given?

*I and the Bishops will consider of it.*

18. If they petition that the five Articles of Perth may be held as indifferent, what Answer shall be given?

*I will hear of no Petition against an Act of Parliament.*

19. If the Town of Edinburgh may not be dealt with apart to petition for Your Majesties Favour, and if they desire that the Council, Exchequer, and Session may be returned them, what Answer shall be given?

*Upon their full submission, and renouncing of the Bond, they may have their desires.*

20. If the like course may not be taken with some other principal Burghs?

*As before.*

21. If to gain some leading men from the Party, marks of Your Majesties Favour may not be hoped for?

*To some, I; to some, No.*

\* Burnet, p. 46.

\* i.e., The Covenant.



22. If particular men desire either Acts of Council, or Pardons under the Great Seal, what shall be done ?

*Grant their desires.*

23. What Service shall be used in the Chappel Royal ?

*The English.*

24. If the Lords of Council and Session, shall at that time be pressed to receive Kneeling ?

*This is no time for a Communion, but when there is they must kneel.*

25. If thought fit, what shall be done to them that refuse ?

*Advise of it.*

26. If all Acts of Council, that have injoynd the use of the Service-Book, Book of Canons, are not to be suspended, and declared of no force in time coming ?

*Yes.*

27. How far Your Majesty will warrant me to declare Your Pleasure to the Lords of the Clergy, concerning their living within their Diocesses ?

*I shall do it My Self, but you may tell any of it.*

28. How far I may declare Your willingness to give ear to and receive the private Complaints of Your Subjects in general, and in particular against any of the Bishops ?

*Refuse none.*

29. If those Ministers (who have been by the Multitude displaced) are not again to be established ?

*They must.*

30. If in the Abbey-Church the use of the Organs shall be presently enjoyned ?

*Yes.*

31. If those Ministers formerly silenced may not for a time be connived at, and permitted to preach ?

*If they preach not Sedition.*

32. If your Majesty aim at more for the present, than establishing the Peace of the Country ?

*No more for the present.*

33. If more, it is humbly desired, Your Majesty may be pleased to express it ?

*When time shall be fit.*

In execution of all which, or what else Your Majesty shall think fit to command, it is most humbly desired, that I may be so warranted, that the labouring to put them in execution may not turn to my Ruine, nor hazard the losing of Your Majesties Favour, dearer to me than life ?

*You shall.*

1638.—May 16.

38. *Instructions by the King to Hamilton.\**

CHARLES R.

I. Before you publish the Declaration which We have signed, you shall require all the Council to sign it, and if you find that it may conduce to Our Service, you shall make all the Council swear to give their best assistance in the execution of the same : but this of putting them to their Oaths, We leave to your discretion, to doe as you shall find occasion ; but if you shall find it fit to put them to their Oaths, those that refuse must be dismissed the Council till Our further Pleasure be known.

II. We give you power to cause the Council to sit in whatsoever place you shall find most convenient for Our Service, Edinburgh onely excepted, and to change the Meeting thereof as often as occasion shall require.

III. You may labour to prepare any of the re-

fractory persons to conceive aright of Our Declaration before it be published, so that it be privately and underhand.

IV. You are to get an Act of Council to pass, to declare, that this Declaration of Ours ought to free all honest Subjects from the fears of Innovations of Religion or Laws : but this you are not to propose publickly except you be sure to carry it.

V. If any Protestation be made against Our Declaration, the Protesters must be reputed Rebels, and you are to labour to apprehend the chiefest of them.

VI. If Petitions be presented to demand further satisfaction than that We have already given by Our Declaration, you are to receive them, and to give them a bold Negative, both in respect of the Matter and the Form, as being presented from a Body which you are no ways to acknowledge.

VII. If it should be objected against the High Commission, that it ought not to be introduced but by Act of Parliament : your Answer must be, that We found it left Vs by Our Father, and therefore We meane to continue it, having first regulated it in such a way that it shall be no just Grievance to Our Subjects, or against Our Laws : and when there is a Parliament, We shall be content that it be ratified as We shall now rectifie it.

VIII. If after the limited time in Our Declaration a Body remain at Edinburgh, or elsewhere, you must raise what Force you can to dissipate, and bring them under Our Obedience.

IX. As soon as the Peace of the Country will permit, you are to call a General Assembly for settling of a constant and decent way for Gods Worship ; We having resolved to call them, or to permit them to be as often as occasion shall require ; We likewise intending to have a Parliament, to ratifie what shall be condescended on at the Assembly.

X. You may say, the Bishops shall impose no other Oath upon Ministers at their Admission, but what is warranted by Act of Parliament.

XI. You are to give direction that the same Service be used in Our Chapel Royal, that was before the enjoyning of the Service-book.

XII. You must admit of no Petition against the 5 Articles of Perth, but for the present you are not to press the exact execution of them.

XIII. Whenever the Town of Edinburgh shall depart from the Covenant, and petition for Our Favour, We will that you bring back the Council and Session to it.

XIV. You shall deny no Pardons nor Acts of Council to any particular persons that shall desire the same for their security.

XV. Some marks of Favour We may be moved to give to particular persons that may deserve the same.

XVI. All Acts of Council that enjoin the use of the new Service-book are to be suspended, and to be of no force hereafter.

XVII. You shall declare Our pleasure to Our two Archbishops, (as soon as the Country is anyway settled) that it is Our Pleasure, that every Bishop shall live within his own Diocess, except upon his own urgent occasions, or that he be commanded from Us, or the Council, to attend there for Our Service, which I intend as seldom as may be.

XVIII. You shall refuse Complaints against no man in particular, whether Officers of State, Councillours, or Bishops, so that it be against their Persons and not their Places.

XIX. All those Ministers who have been displaced by the seditious multitude, are to be (so

\* Burnet, p. 50.



soon as conveniently may be) repossessed again as they were.

XX. As for silenced Ministers, you may connive at their Preaching, if you find it may tend to the quieting of the Country.

XXI. For the Organs in the Abby-Church, We leave them to your discretion when to be used, and to advertise Me of your opinion.

XXII. You are to cause insert 6 weeks in Our Declaration for the delivery up of the Covenant, and if you find cause, less.

XXIII. You shall declare, that if there be not sufficient Strength within the Kingdom to force the refractory to Obedience, Power shall come from England, and that My Self will come in Person with them, being resolved to hazard My Life rather than to suffer Authority to be contemned.

XXIV. If you shall find cause, you are to raise a Guard of 200 or more, to attend Our Council.

XXV. You may treat with the Earl of Marr for the keeping of our Castles of Edinburgh and Sterlin, and for the present he must be charged with their safe Custody.

XXVI. You shall take seriously into consideration the Copper-coyn, and declare Our willingness to remedy the Evils that have risen thereby; or what else the Subjects may justly complain of.

XXVII. You may declare, that as We never intended to assume the Nominating the Provost of Our Town of Edinburgh, so We mean not by Our too frequent Letters to hinder the free Election of their own Officers.

XXVIII. You may likewise declare, (if you find cause) that as We never did, so by Gods Grace We never will stop the course of Justice by any private directions of Ours; but will leave Our Lords of Session, and other Judges, to administer Justice, as they will be answerable to God and Us.

If you cannot by the means prescribed by Us bring baek the refractory and seditious to due Obedience, We do not onely give you Authority, but command all hostile Acts whatsoever to be used against them, they having deserved to be used no other way by Us, but as a Rebellious People; for the doing whereof We will not onely save you harmless, but account it as acceptable Service done Us.

Such of these Instructions, as you shall find cause, We give you leave to divulge and make use of as you find Our Service shall require.

At Whitehall the

C. R.

16th May, 1638.

1638.—May 20.

39. *Commission to Hamilton as Commissioner to Scotland.\**

CAROLUS Dei gratiâ Magnæ Britanniae, Franciæ, & Hiberniæ, Rex, fideique Defensor: Omnibus probis hominibus suis ad quos presentes literæ pervenerint, Salutem. Sciatis nos considerantes magnos in hoc regno nostro Scotiæ non ita pridem exortos tumultus, ad quos quidem componendos, multiplices regiæ nostræ voluntatis declarationes promulgavimus, quæ tamen minorem spe nostrâ effectum hactenus sortitæ sunt; Et nunc statuentes, ex pio erga dictum antiquum regnum nostrum affectum, ut omnia gratiosè stabiliantur & instaurentur, quod (per absentiam nostram) non aliâ ratione commodius effici potest, quàm fideli aliquo Delegato constituto, cui potestatem credere possumus tumultus ejusmodi consopendi, aliaque officia præstandi, quæ in bonum & commodum dicti antiqui

regni nostri eidem Delegato nostro imperare nobis videbitur: Cumque satis compertum habeamus obsequium, diligentiam, & fidem prædilecti nostri consanguinei & consilarii Jacobi Marchionis Hamiltounii, Comitis Arraniæ & Cantabrigiæ, Domini Aven & Innerdail, &c. eundemque ad imperata nostra exequenda sufficienter instructum esse: Ideirò fecisse & constituisse, tenoreque præsentium facere & constituere præfatum prædilectum nostrum consanguineum & consiliarium Jacobum Marchionem de Hamiltoun, &c. nostrum Commissionarium ad effectum subscriptum: Cum potestate dicto Jacobo Marchioni de Hamiltoun, &c. dictum regnum nostrum adeundi, ibidemque præfatos tumultus in dicto regno componendi, aliaque officia à nobis eidem committenda in dicti regni nostri bonum & commodum ibi præstandi: Eoque Concilium nostrum quibus locis & temporibus ei visum fuerit convocandi, ac rationem & ordinem in præmissis exequendis servandum declarandi & præscribendi: Et quæcunque alia ad commissionis hujus capita pro commissa ipsi fide exequenda, eandemque ad absolutum finem perducendam & prosequendam conferre possunt tam in Concilio quàm extra Concilium nostro nomine efficiendi & præstandi; Idque similiter & adeò liberè acsi Nos in sacrosancta nostra persona ibidem adessemus. Et hac præsentii nostrâ commissione durante nostro beneplacito duratura ac semper & donec eadem per nos expressè inhibeatur. In cujus rei testimonium præsentibus magnum sigillum nostrum apponi præcepimus. Apud castrum nostrum de Windsore vigesimo die mensis Maii anno Domini millesimo sexcentesimo trigesimo octavo, Et anno regni nostri decimo quarto.

Per signaturam manu S. D. N. Regis  
suprascriptam.

1638.—June 11.

40. *Letter from the King to Hamilton.\**

HAMILTON,

Though I answered not yours of the fourth, yet I assure you that I have not been idle, so that I hope by the next week I shall send you some good assurance of the advancing of our Preparations. This say not to make you precipitate any thing, (for I like of all you have hitherto done, and even of that which I find you mind to doe;) but to shew you that I mean to stick to my Grounds, and that I expect not any thing can reduce that People to their Obedience, but onely force. I thank you for the clearness of your Advertisements, of all which none troubles me so much, as (that in a manner) they have possessed themselves of the Castle of Edinburgh; and likewise I hold Sterlin as good as lost. As for the dividing of my Declaration, I find it most fit (in that way you have resolved it;) to which I shall adde, that I am content to forbear the latter part thereof, until you hear my fleet hath set sail for Scotland. In the mean time your care must be how to dissolve the Multitude, and (if it be possible) to possess your self of my Castles of Edinburgh and Sterlin, (which I do not expect.) And to this end I give you leave to flatter them with what hopes you please, so you engage not me against my Grounds, (and in particular that you consent neither to the calling of Parliament nor General Assembly, untill the Covenant be disavowed and given up;) your chief end being now to win time, that they may not commit publick Follies untill I be ready to suppress them: and since it is (as you well observe) my own People, which by this means will be for a time ruined, so

\* Large Declaration, p. 77.

\* Burnet, p. 55.



that the loss must be inevitably mine ; and this if I could eschew, (were it not with a greater) were well. But when I consider, that not onely now my Crown, but my Reputation for ever, lies at stake, I must rather suffer the first, that Time will help, than this last, which is irreparable. This I have written to no other end, than to shew you I will rather die than yield to those impertinent and damnable Demands, (as you rightly call them ;) for it is all one as to yield to be no King in a very short time. So wishing you better success than I can expect, I rest

Your assured constant Friend,

CHARLES R.

Greenwich, 11 June, 1638.

POSTSCRIPT.—As the Affairs are now, I do not expect that you should declare the Adherers to the Covenant Traitors, until (as I have already said) you have heard from me that my Fleet hath set sail for Scotland, though your six weeks should be elapsed. In a word, gain time by all the honest means you can, without forsaking your Grounds.

1638.—June 13.

41. *Letter by the King to Hamilton.\**

HAMILTON,

The dealing with Multitudes makes diversity of Advertisement no way strange, and certainly the alteration from worse to less ill cannot be displeasing ; wherefore you may be confident, I cannot but approve your Proceedings hitherto, for certainly you have gained a very considerable point, in making the heady Multitude begin to disperse, without having engaged me in any unfitting thing. I shall take your advice in staying the publick Preparations for Force ; but in a silent way (by your leave) I will not leave to prepare, that I may be ready upon the least advertisement. Now I hope there may be a possibility of securing my Castles, but I confess it must be done closely and cunningly. One of the chief things you are to labour now, is to get a considerable number of Sessioners and Advocates, to give their opinion that the Covenant is at least against Law, if not treasonable. Thus you have my Approbation in several shapes, therefore you need not doubt but that I am

Your assured constant Friend,

CHARLES R.

Theobalds, 13 Jun. 1638.

1638.—June 13.

42. *Draft of Explanations of Covenant proposed by Spottiswood.\**

We the Noblemen, Barons, Burgesses, Ministers, and others, that have joyned in a late Bond or Covenant for the maintaining of true Religion and purity of Gods Worship in this Kingdom, having understood that Our Sovereign Lord the Kings Majesty is with this our doing highly offended, as if we thereby had usurped his Majesties Authority, and shaken off all Obedience to His Majesty and to His Laws ; for clearing ourselves of that imputation do hereby declare, and in the presence of God Almighty solemnly protest, that it did never so much as enter into our thoughts, to derogate any thing from his Majesties Power and Authority Royal, or to disobey and rebell against His Majesties Laws, and that all our proceedings hitherto by Petitioning, Protesting, Coveuanting, and whatsoever

other way, was and is onely for the maintaining of true Religion by us professed, and with express reservation of our Obedience to His most Sacred Majesty ; most humbly beseeching His Majesty so to esteem and accept of us, that he will be graciously pleased to call a National Assembly and Parliament, for removing the Fears we have not without cause (as we think) conceived of introducing in this Church another form of Worship than what we have been accustomed with, as likewise for satisfying our just Grievances, and the settling of a constant and solid Order to be kept in all time coming, as well in the Civil and Ecclesiastical Government ; which if we shall by the intercession of Your Grace obtain, we faithfully promise, (according to our bounden duties) to continue in His Majesties Obedience, and at our utmost powers to procure the same during our Lives, and for the same to rest and remain

Your Graces obliged Servants, &c.

1638.—June 20.

43. *Letter by the King to Hamilton.\**

HAMILTON,

I do not wonder, though I am very sorry for your last Dispatch, to which I shall answer nothing concerning what you have done, or mean to doe, because I have approved all, and still desire you to believe I do so, untill I shall contradict it with my own Hand. What now I write is, first to shew you in what Estate I am, and then to have your Advice in some things. My Train of Artillery consisting of 40 Peece of Ordnance (with the appurtenances) all Drakes, (half and more of which are to be drawn with oue or two Horses apiece) is in good forwardness, and I hope will be ready within six weeks ; for I am sure there wants neither Money, nor Materials to doe it with. I have taken as good order as I can for the present, for securing of Carlisle and Berwick ; but of this you shall have more certainty by my next. I have sent for Arms to Holland, for 14000 Foot and 2000 Horse : for my Ships they are ready, and I have given Order to send three for the Coast of Ireland immediately, under pretence to defend our Fishermen. Last of all, which is indeed most of all, I have consulted with the Treasurer and Chancellour of the Exchequer, for Money for this years Expedition, which I estimate at two hundred thousand pounds Sterlin, which they doubt not but to furnish me ; more I have done, but these are the chief heads. Now for your Advice, I desire to know whether you think it fit that I should send six thousand Land-men with the Fleet that goes to the Frith, or not ; for since you cannot secure me my Castle of Edinburgh, it is a question whether you can secure the landing of those men, and if with them you can make your self Master of Leith, to fortifie and keep it : of this I desire you to send me your Resolution with all speed. I leave it to your consideration, whether you will not think it fit to see if you can make all the Guns of the Castle of Edinburgh unserviceable for any body, since they cannot be useful for me. Thus you may see, that I intend not to yield to the Demands of those Traitors the Covenanters, who I think will declare themselves so by their Actions, before I shall doe it by my Proclamation ; which I shall not be sorry for, so that it be without the personal hurt of you, or any other of my honest Servants, or the taking of any English place. This is to shew you, that I care not for their affronting or disobeying my Declaration, so that it go not to open

\* Burnet, p. 56.

† Ibid, p. 58.

\* Burnet, p. 59.



mischiefe, and that I may have some time to end my Preparations. So I rest

Your assured constant Friend,  
CHARLES R.

Greenwich, 20 June, 1638.

1638.—June 23.\*

44. *To his Maiesties Commissioner, the supplicatione of the noblemen, barrons, burgesse, ministers and comons, heir attending his Maiesties gracious anssuer to our former petitions, complaints and desyres, humbly shewing,*

That quheras wee, expecting from your Grace, as his Maiesties Commissioner, ane gracious anssuer to our former suplications, complaints and just desyres, haue presentit to your Grace ane petitione, humbly crauing a free generall assembly and parliament, as the ordinar remedy of our griuances, the onlie meane to put this kirke and kingdome to quyetnesse.

It pleased your Grace to show that his Maiestie, from his princely caire of this kirke and kingdome, walde be most willing to indite a free generall assembly, and call ane parliament for thesse good endes; bot that your Grace, as his Maiesties, hath conceaued the Confession of Faith and couenant, laity renewed by ws his Maiesties subiects, to be ane vnlawfull combination aganist authority, thereby to east off our deuitfull obedience, and not ane couenant for mantaining of the trew religion, of his Maiesties persone and authority, and of the lawes and liberties of the kingdome; and wee being most willing to remoue that impediment, as the maine hinderance for obtaining our desyres, therfor, and for cleiring of our loyaltie and vindicating ourselues from so grate ane imputatione, wee doe now, in all humility, remonstrat to your Grace, as his Maiesties commissioner, and declairs before God and men, that wee ar heartily griued and sorey, that aney good man, bot most of all that our dreid souerainge should so conceaue of our doing, and that wee wer and still are so far from aney thought of withdrawing ourselues from our deuitfull subiection and obedience to his Maiesties gouernment, wich by the discent, and vnder the rainge of 107 kinges, is most cheirfully aeknouledged by ws and our prædecessors. That wee neuer had nor haue aney intentione ore desyre to attempte aney thing wich may turne to the dishonor of God, ore to the diminutione of the Kinges grates and authority; bot oue the contrarey wee aeknowledge our quietnesse, stability and happines, to depend wpone the saftie of the Kinges Maiestie, as vpone Gods vicegerent sett ouer ws for mantenance of religion and administratione of justice, haue solemlie suorne, not only our mutuall cōeurrence and assistance for the cause of religion, bot also to the wttermost of our power, with our means and our liues, stand to the defence of our dread souerainge, the Kinges Maiesty, his persone and authority, in the preseruatiōe and defence of the trew religion, lawes and liberties of the kingdome: and therfor wee, his Maiesties loyall subiects, free from that and all other imputations of that kynd, most humbly beseeches your Grace to esteime our Confessiōe of Faith and couenant, to haue beine intendit, and to be the largest testimonie of our fidelity to God, and loyaltie to our Kinge; and that hinderance being remoued, most still supplicat your Grace wald be pleased to indite a free generall assembly and parliament, quhilk will vndoubtedly redresse all our

ciuels, sothe the peace of this kirke and kingdome, and procure that cheerfulness of obedience, quhilk is dew to be randred to his Maiestie, carrinng with it the offer of our fortunes and best indeuors for his Ma<sup>ties</sup> honor and happines, as ane reall testimonie of our thankfullnes, praying God that his Maiesty may long and happily raing ouer ws.

1638.—June 25.

45. *Letter from the King to Hamilton.\**

HAMILTON,

I must needs thank you that you stand so close and constantly to my Grounds, and you deserve the more since your fellow-Counsellours do rather dishearten than help you in this business, for which I swear I pity you much. There be two things in your Letter that require Answer, to wit, the Answer to their Petition, and concerning the Explanation of their damnable Covenant; for the first, the telling you that I have not changed my mind in this particular, is Answer sufficient, since it was both foreseen by me, and fully debated betwixt us two before your down-going; and for the other, I will onely say, that so long as this Covenant is in force, (whether it be with or without Explanation) I have no more Power in Scotland than as a Duke of Venice; which I will rather die than suffer: yet I commend the giving ear to the Explanation, or any thing else to win Time, which now I see is one of your chiefest cares, wherefore I need not recommend it to you. Another I know is, to shew the World clearly, that my taking of Arms is to suppress Rebellion, and not to impose Novelties, but that they are the seekers of them; wherefore if upon the publishing of my Declaration a Protestation should follow, I should think it would rather doe right than wrong to my Cause; and for their calling a Parliament or Assembly without me, I should not much be sorry, for it would the more loudly declare them Traitors, and the more justifie my Actions; therefore in my mind my Declaration would not be long delayed: but this is a bare Opinion and no Command. Lastly, my resolution is to come my self in person, accompanied like myself, Sea-forces nor Ireland shall not be forgotten; the particulars of which I leave to the Comptrollers relation, as I do two particulars to the Archbishop of Canterbury, which you forgot to mention in my Letter: and so I rest

Your assured constant Friend,  
CHARLES R.

Greenwich, 25 June, 1638.

1638.—June 28.

46. *Proclamation.†*

CHARLES by the grace of God, King of Scotland, England, France and Ireland, Defender of the Faith. To our Lovits

Heraulds

Messengers, our Sheriffes in that part, conjunctly and severally specially constitute greeting. Forsameikle as we are not ignorant of the great disorders, which have happened of late within this Our ancient Kingdome of Scotland, occasioned, as is pretended, upon the introduction of the Service Book, Book of Canons, and High Commission, thereby fearing inuovation of Religion and Laws. For sa-

\* Balfour, vol. ii., p. 266.

\* Burnet, p. 60.

† Large Declaration, p. 96.



tisfaction of which fears, We well hoped, that the two Proclamations of the cleventh of December, and nineteenth of February, had been abundantly sufficient: Neverthesse, finding that disorders have daily so increased, that a powerfull rather then perswasive way, might have been justly expected from Us: Yet We out of Our innative indulgence to Our people, grieving to see them run themselves so headlong into ruine, are graciously pleased to try, if by a faire way We can reclaime them from their faults, rather than to let them perish in the same. And therefore once for all We have thought fit to declare, and hereby to assure all Our good people, that We neither were, are, nor by the Grace of God ever shall bee stained with Popish superstition: But by the contrary, are resolved to maintain the true Protestant Christian Religion already profest within this Our ancient Kingdome. And for farther clearing of scruples, We do hereby assure all men, that We will neither now nor hereafter presse the practice of the foresaid Canons and Service Book, nor any thing of that nature, but in such a faire and legall way, as shall satisfie all Our loving subjects, that We neither intend innovation in Religion or Lawes. And to this effect have given order to discharge all Acts of Councel made thereanent. And for the high Commission, We shall so rectifie it with the help of adviee of Our privie Councell, that it shall never impugne the Lawes, nor bee a just grievance to Our loyall subjects. And what is farther fitting to be agitate in generall Assemblies and Parliament, for the good and peace of the Kirk, and peaceable government of the same, in establishing of the Religion presently profest, shall likewise be taken into Our Royall consideration, in a free Assembly and Parliament, which shall be indieted and called with Our best conveniencie. And We hereby take God to witnesse, that our true meaning and intention is, not to admit of any innovations either in Religion or Lawes, but carefully to maintain the purity of Religion already profest and established, and no wayes to suffer Our Lawes to be infringed. And although We cannot be ignorant, that there may be some dis-affected persons who will strive to possesse the hearts of Our good subjects, that this Our gracious declaration is not to be regarded; Yet We do expect that the behaviour of all Our good and loyall subjects will be such, as may give testimonie of their obedience, and how sensible they are of our graee and favour, that thus passeth over their misdemeanours, and by their future carriage make appeare, that it was only feare of innovation, that hath caused the disorders which have happened of late within this Our ancient Kingdome. And are confident, that they will not suffer themselves to be seduced and mis-led, to misconstrue Us or Our actions, but rest heartily satisfied with Our pious and real intentions, for maintenance of the true Religion and Lawes of this Kingdome. Wherefore We require and heartily wish all Our good people carefully to advert to these dangerous suggestions, and not to permit themselves, blindly under pretext of Religion, to be led in disobedience, and draw on infinitely, to Our grief, their own ruine, which We have, and still shall strive to save them from, so long as We see not royall Authoritie shaken off. And most unwillingly shall make use of that power which God hath endued Us with, for reclaiming of disobedient people.

Our will is herefore, and Wee charge you straightly and command, that incontinent these Our Letters scene, you passe to the market crosse of Our Burgh of Edinburgh, and all other places needfull, and there by open Proclamation make publication

hercof to all and sundry Our good subjects, where through none pretend ignorance of the same. The which to do, We commit to you conjunctly and severally Our full power, by these Our Letters, delivering the same by you duely execute and indorsed againe to the Bearer. Given at Our Court of Greenwich the twenty eight day of June, and of Our Reigne the thirteenth year. 1638.

Per Regem.

1638.—June 28.

47. *The Protestation of the Noblemen, Barons, Gentlemen, Burrows, Ministers and Commons, &c.\**

WE Noblemen, Barons, Gentlemen, Burgesses, Minnisters, and Commons, That whereas wee the Kings Majesties true and loyall Subjects, who have ever csteemed it our greatest happinesse to live under a religious and righteous King, and our greatest glory to testifie our best affections to our graecious Sovereign, have beene in His Majesties absence from this His native Kingdome heavily pressed for a long time past, And especially of late, with diverse innovations, which both in themselves, and in the way wherein they have beene urged, doe manifestly tend to the prejudice of the Kings honour, and of our Religion, Laws and Liberties, And by which we were brought to such extremitie, that there was no way left betwixt the rock of excommunication, and the high paine of rebellion on the one part, and the desperate danger of forsaking the way of true Religion and the breach of our Covenant with God on the other, but to represent our cause, and present our supplications to the Lords of secret Councell, that being equally pondered by them, they might either be auswered by themselves, or by their recommendation might ascend to his Majesties owne consideration: And therefore in all humble manner we did to this [effect supplicate their Lordsh: we were most willing (for the modest following of our supplications) to obey their direction in chusing Commissioners, for the great number of supplicants, who flocked together from all quarters of the Kingdome; were carefull to order our selves in all Christian and quiet carriage, and, against the tediousnesse of many and long delaies, did wait for a long time with very great patience, till at last they were pleased to receive our supplications, complaints, and bills: And conceiving them to containe weightier matters then could by themselves bee determined, they did promise and undertake to represent and recommend the same, according to their more then ordinary importance, unto his Majesties Royall consideration, and to report his Majesties answer.

While his Majesties good Subjects of all ranks, throughout the whole Kingdome, had their minds wakened, and their hearts filled with the expectation of a graecious and satisfactorie answer, worthy of his Majesties pious and equitable disposition, in the month of February last incontinent a rumour flyeth through the Countrie, and filleth all eares, That the Lords of his Majesties seeret Councell were commanded to make such a Proclamation concerning the Service Booke, Booke of Canons, and the peaceable meetings of his Majesties good Subjects in time coming, as we were perswaded to have beene procured by the seeret working, and malignant mis-information of our adversaries, seeking for their owne private ends, without respect to his Majesties honour, and welfare of this Kirk and Kingdome, to stop the course of our legall pro-

\* Large Declaration, p. 98.



ceedings, and to escape their owne due censure: And therefore intending to make knowne to the Lords of seeret Councell what was noised concerning the Proclamation; how far the whole Kingdome had been by some sinistrous mis-information frustrate of their hopes, and their constant desire to have some course taken by their Lordsh: advice; how his Majestie being further informed, might deliver his good subjects from so great grievancees and feares, and establish a sure peace in this Countrie for time to come; we found our selves tyed by order of Law to decline those against whom we had made our complaint, unlesse we would admit our parties to be our Judges: And in ease our Declinator should not be accepted, we behoved to protest, that we might have immediate recourse to the King himselfe, &c.

Thereafter in the Moneth of March, finding that by the foresaid Proclamation the innovations supplicated against were approven, our lawfull proceedings condemned, our most necessary meetings prohibited, there being no other way left unto us, wee were necessitate to renew the nationall Covenant of this Kirk and Kingdome, thereby to reconcile us to God, provoked to wrath against us, by the breach of his Covenant within this Land, to cleare our Sovereigns mind from all jealousies and suspicions, arising from our adversaries mis-information of our intentions and carriage; and so to make way for his acceptance of our humble supplications, and grant of their lawfull remedies, to guard this Land in defence of Religion, Authority and liberty against inward divisions, and externall violencees. And that our actions might be answerable to our holy profession, we afterward drew up an humble supplication, containiing our grievancees, and desires of the ordinary remedies thereof, to have beene delivered to the King himselfe: In the meane time we were directed by those who were intrusted by his Majesty, to attend his Declaration here in Scotland, which would free us of all feares of innovations of Religion, and prove satisfactorie: And lest for want of true information of our just grievancees and desires it should fall out otherwise, wee expressed to them, with the greatest modestie we could, our desires in some few Artieles, and with great patience have attended his Majesties pleasure thereanent: And all this moneth by-gone being frequently convened to heare the same delivered by his Majesties Commissioner, the right Noble and potent Lord James Marquesse of Hamiltoun, &c. we presented a new petition to his Grace as his Majesties Commissioner, craving most humbly the indiction of a free Assembly and Parliament, as the onely remedies thereof: Likeas finding a mis-information or mistake of our Covenant with God, as if it had beene an unlawfull combination to bee the maine hinderance of obtaining our desires, in a new supplication; wee have fully removed that impediment, renewed our desires of those supreme judicatories, to bee indieted with diligence, for settling of the Kirk and Kingdome: But being answered only with delays after these nine Moneths attendanee, and with this Proclamation that contained his Majesties gracious declaration of his pious intentions, not to admit of any innovations in Religion or Law, nor any staine of Popish superstition, But on the contrary to be resolved to maintaine the true Christian Religion professed in this Kingdome; which we were, ever so far from calling in question, as in our supplications, complaints and bills, we used the same as one cause of our desires, one ground of our confidence of a gracious answer, and argument of our adversaries malignant mis-information of so

religious a King: And now most humbly (with bended knees and bowed hearts) thanke our gracious Sovereigne for the same, Wishing and praying the Lord of heaven truly and fully to informe his Majestie how far these bookes, judicatories, and all our other evils and grievancees are full of idolatrous superstitions, and Popish errorrs, How destructive of the reformation of Religion in this Land, and of the Lawes and Liberties of this Church and Kingdome, and so directly contrary to this his Majesties pious intention and declaration.

Yet seeing that no Proclamation could sufficiently remove the present evils, nor settle our feares, nor secure us from the re-entrie of any evil or Innovation, which it seemed to discharge, or prevent the like in time comming, nor satisfie our humble supplications, craving the present indiction of a free Assembly and Parliament, as the onely remedies of our evils, and meanes to prevent the like: And seeing this Proclamation doth not so much as make mention, or acknowledge any of our supplications, complaints and grievancees, or any just cause thereof, except under the name of great increase of disorders, faults, and mis-demeanours, but only our feares of some future Innovation of Religion or Lawes, occasioned onely (as is pretended) by the introduction of the Service Booke, Booke of Canons, and High Commission; which feares his Majestie hoped to have beene abundantly and sufficiently satisfied by his two former proclamations of the ninth of December, and nineteenth of February. And by this his present Declaration, except his subjects bee blindly (under pretext of Religion) led unto disobedience, Doth mis-ken, passe over, and so in effect denie all our supplications, bills, articles, and desires, especially our complaints against the Prelates our parties. And, that once for all, in a faire and perswasive way, even after the resaitte of our last supplication, clearing us from the calummie of unlawfull combination; Doth not disallow nor discharge any of the innovations and evils complained upon, but onely assureth that his Majestie will not presse their praetice, but in such a faire and legall way as shall satisfie his subjects of his intention; which (joynd with the other clause, allowing and confirming the Proclamation the nineteenth of February) evidenceth the liberty left to any Prelate or persons to praetice the same, and by all other faire waies to perswade others thereunto; and his Majesties resolution to presse their praetice in a faire and legall way: And also confirmeth the former Declaration, That the Service Booke is a ready meane to maintaine the true Religion already professed, and to beat out all Superstition, and no waies to be contrary to the Lawes of this Kingdome, but to be compiled and approved for the universall use and edification of all his Majesties subjects; Doth not abolish, but promiseth to reetifie the High Commission, with advice of his Privie Councell, implying the Kings power, with consent of the Councell, to establish this or any judicatory within this Kingdome, without consent of the three Estates convened in Parliament, contrary to the fundamentall and expresse Lawes thereof; and by consequent with the like reason, to establish Lawes and Service Bookes, without consent of the Assembly and Parliament; Which is contrary to the maine ground of all our supplications, against the manner of their introduction; Doth only promise to take into his consideration in an Assembly and Parliament, which shall bee called at his best convenience, while as the evident and urgent necessity for settling the combustions threatening the totall dissolution and desolation of this Church and State, excuseth our un-



cessant and importune calling for these present remedies ; Doth insinuate the continuance and execution of any pretended lawes for these innovations of worship, and corruptions of Church government, and civill places of Church-men, which by our Covenant wee have obliged our selves to forbear ; and the re-establishment of these evils in an Assembly and Parliament, which he will call in his best convenience, to wit, for that and this other end of satisfying his subjects judgements anent the Service Booke and Booke of Canons ; Doth condemne all our former proceedings, even our supplicating, complaining, protesting, subscribing of our Covenant together, and our continuall meetings, as great disorders, increase of disorders, deserving justly a powerfull rather then a perswasive way, a running headlong into ruine, a perishing in our faults, a blind disobedience under pretext of Religion, and doth threaten & denounce, NOW ONCE FOR ALL, If we be not heartily satisfied, and give testimony of our obedience after this Declaration, but continue, as by our former proceedings, to draw on our owne ruine, that, albeit unwillingly, he must make use of that power which God hath indued him with, for reclaiming of so disobedient people.

THEREFORE we, in our own name, and in name of all who will adhere to the Confession of Faith, and reformation of Religion within this Land, are forced and compelled, out of our bound duty to God, our King, native Country, our selves and our posterity, (lest our silence should be prejudiciall to so important a cause, as concerns Gods glory and worship, our Religion and salvation, the Lawes and Liberties of this Church and Kingdome, or derogatory to our former supplications, complaints, protestations, Articles and proceedings, or unanswerable to the solemne oath of our nation covenant with God) To declare before God and man, and to protest, *Primo*, That we doe, and will constantly adhere, according to our vocation and power, to the said Reformation, in doctrine, use of Sacraments, and discipline ; And that notwithstanding of any innovations introduced therein, either of old or of late. *Secundo*, we protest, That we adhere to the grievances, supplications, and protestations given in at Assemblies and Parliaments, and to our late supplications, complaints, protestations, and other lawfull proceedings against the same, and particularly against the Service book, and booke of Canons, as maine innovations of Religion and Lawes, and full of Popish superstition, and so directly contrary to the Kings Declaration, And against the High Commission, as a judicatory established contrary to the Lawes and Liberties of this Church and Kingdome, and destructive of other lawfull judicatories, which both in respect of the nature of it, manner of introduction, without consent of the three Estates of Parliament, cannot be any wayes rectified, but absolutely discharged : *Tertio*, we protest, That we adhere with our hearts to our Oath and subscription of the Confession of Faith, the solemne Covenant betweene God, this Church and Kingdome, and the clauses particularly therein expressed and generally contained, and to our last Articles for the peace of this Kirke and Kingdome, drawne out of it, and to all the matters therein contained, and manner of remedy therein desired. *Quarto*, We protest, that this Proclamation or act of Councell, or any other act, or Proclamation, or Declaration, or ratification thereof, By subscription, or act, or letter, or any other manner of way whatsoever, or any precondemnation of our cause or carriage, before the same be lawfully heard and tryed in the supreme judicatories of this Kirk and Kingdome, the onely proper judges to

nationall causes and proceedings, or any certification or threatning therein denounced, shall no waies be prejudiciall to the Confession of Faith, lawes, and liberties of this Kingdome, nor to our supplications, complaints, protestations, articles, lawfull meetings, proceedings, pursuits, mutual defences, nor to our persons and Estates, and shall no wayes be disgracefull either in reality or opinion, at home or abroad, to us or any of us : But on the contrary, that any act, or letter, or subscription of the Councell, carrying the approbation of the declaration, and condemnation of our proceedings, *indicta causa*, is and ought to be repute & esteemed unjust, illegall & null, as here before God and man we offer to clear, & to verifie both the justice of our cause and carriage, and the injustice of such acts against us, in the face of the first generall Assembly of the Church & Parliament of the Estates, unto whom with all solemnities requisite, we do publikly appeal. *Quinto*, We protest, that seeing our former supplications, last Articles, & our last desire and petition to his Majesties Commissioner, which petitioned for the present indiction of a free general Assembly & Parliament, according to the law and custome of all nations, & of this nation in the like case, to hear the desires, ease the grievances, & settle the fears of the body of the Church & Kingdome, are thus delayed, & in effect refused, to wit, ONCE FOR ALL, till his Majesties conveniency for the end contained in this Proclamation, that We continue by thir presents to supplicate his Majesty again and again, for the granting of the same : And whatsoever trouble or inconvenience fall out in this land in the mean time, for want of these ordinary remedies, and by the practice of any of these innovations & evils, contrary to our supplications, articles, & confession, it be not imputed unto us, who most humbly beg these lawfull remedies, but also that it is, & shall be lawfull unto us, to defend and maintain the Religion, lawes and liberties of this Kingdome, the Kings Authority in defence thereof, & every one of us one another in that cause, of maintaining the Religion, and the Kings foresaid Authority, according to our power, vocation and Covenant, with our best counsel, bodies, lives, means, & whole strength, against all persons whatsoever, and against all externall or internall invasions menaced in this proclamation. Like as that in the great exigencie of the Church, necessitating the use of this ordinary and lawfull remedies for settling the commotions thereof, it is and shall be leasome unto us to appoint, hold and use the ordinary means, our lawfull meetings and Assemblies of the Church agreeable to the law of God, and practice of the primitive Church, the Acts of the generall Assemblies, and Parliaments, and the example of our Worthy Reformers in the like case. *Sexto*, We protest, that our former Supplications, Complaints, Protestations, Confessions, meetings, proceedings and mutual defences of every one another in this cause, as they are, and were in themselves most necessary, and orderly meanes agreeable to the lawes & practice of this Church and Kingdome, to be commended as reall duties of faithfull Christians, loyall Subjects, and sensible members of the body of the Church and Kingdome, and no wise to be stiled nor accounted great disorders, misdemeanours, blind disobedience under pretext of Religion, and running headlong into ruine, &c. So they proceeded only from conscience of our duty to God, Our King, native cuntry, and our posterity, and doth tend to no other end, but to the preservation of the true reformed Religion, the confession of Faith, Lawes, and Liberties of this His Majesties most ancient



Kingdome, and of His Majesties authority in defence thereof, and satisfaction of our humble desires, contained in our supplications, complaints and articles, unto the which we adhere againe and again, as we would eschew the curse of the Almighty God, following the breach of his Covenant: And yet we doe certainly expect, according to the Kings Majesty his accustomed goodnesse and justice, that his sacred Majestie after a true information of the justice of our cause and carriage, will presently indict these ordinary remedies of a free Assembly and Parliament, to our just supplications, complaints, and articles, which may be expected, and useth to be granted from so just and gracious a King, towards most loyall and dutifull subjects, calling for redresse of so pressing grievances, and praying heartily that His Majestie may long and prosperously reigne over us.

WHEREUPON a noble Earle John Earle of Cassles, &c. in name of the Noblemen, M. Alexander Gibson younger of Dury in name of the Barons, James Fletcher Provost of Dundy in name of the Burrowes, M. John Ker Minister at Salt-prestoun in name of the Ministers, and Master Archbald Jhonston Reader hereof, in name of all who adheres to the Confession of Faith and Covenant lately renewed within this Kingdome, tooke Instruments in the hands of three Notars present, at the said mercat Crosse of Edinburgh, being invironed with great numbers of the foresaid Noblemen, Barons, Gentlemen, Borrows, Ministers and Commons, before many hundred witnesses, and craved the extract thereof: And in token of their dutifull respect to his Majesty, confidence of the equity of their cause, and innocency of their carriage, and hope of his Majesties gracious acceptance, they offered in all humility, with submissee reverence, a copie thereof to the Herald.

1638.—June 29.

48. *Letter from the King to Hamilton.\**

HAMILTON,

Yours of the 24th (though it be long) requires but a short Answer, it being onely to have leave to come up, which is grounded upon so good reason, that I cannot but grant it. Some Considerations in the mean time I think fit to put to you; first, to take heed how you engage your self in the way of Mediation to me; for though I would not have you refuse to bring up to me any Demand of theirs to gain time, yet I would not have you promise to mediate for any thing that is against my Grounds; for if you do, I must either prejudice my self in the granting, or you in denying: then, I would have you take care, that no more Subscriptions be urged upon any, especially of Council or Session: lastly, that you leave such encouragement to these few, that have not yet forsaken my Cause, that they may be assured (as well as I) that your up-coming is neither to desert them nor it. And thus certainly if (as you write) you get the mutinous Multitude once dispersed, you will have done me very good Service; for I am confident that my Declaration published before your coming away, (according to the Alterations that I have given you leave to make) will give some stop to their Madnesse: however your endeavours have been such, that you shall be welcom to

Your assured constant Friend,

CHARLES R.

Greenwich, 29 June, 1638.

\* Burnet, p. 61.

1638.—June 29.

49. *Letter from the Bishop of Ross to Hamilton.\**

MY LORD, MAY IT PLEASE YOUR GRACE,

We are exceeding sorry to hear that the success of your Lordships Travels in this difficult Business, is otherwayes than good Christians and Subjects do wish, and heartily pray for; but on the other part, are glad to hear from our Friends there, that, whereof we were ever confident, that nothing is omitted by your Lordship to effectuate what is necessary for His Majesties Honour, and expedient for the good and quiet of that poor distracted and distempered Kingdom. For my own part give me leave, without either flattery or presumption, to say ingenuously, that the Course your Lordship keeps, seemeth to be such as all good and wise men must approve your Lordships wisdom and Loyalty. Infallibly the fruit will be, besides the Warrant your Lordship hath in your own Conscience by this Noble and Wise carriage, your Lordship must be more (if any accrement can be to former Deserts) beloved of your Master: it will iudear your Lordship more to all good, wise, and well-affected Patriots, and oblige all, especially honest Church-men, to be your Servants. It cannot seem strange to any wise heart, who looks on the Distemper of that Kingdom, wherein is the concourse of so many different and divers Distempers, where so many of all sorts of different Judgements, and no less variety of Affections, are so strongly engaged, and where many have their own private ends; that the best, wisest, and most powerful Agents, are not able on a sudden to rectifie their Judgements, cure their Affections, and by disappointing the private intentions of some to reduce all to Order, Peace, and Quiet. In any great Work of this strain, we must all rely somewhat more on the wise and gracious Providence of God, than in any other ordinary accidents: He is able to work good out of ill, light out of darkness, and order out of confusion, which I pray God heartily, we may see to His Glory, the Kings Honour, and Peace of the Church and State, without any other effect upon any author or abettor of these Disorders, but of Gods Mercy, and His Majesties Royal Clemency. In this I fear I have exceeded more, possibly, than becomes me with your Grace; but as I humbly beg pardon, so I trust your Lordships Goodness will easily pardon the expressions of a poor Heart surcharged with grief, not so much flowing from, or following the fear of any Personal or Private evil can befall it, as fearing the danger the Publick is in, because of our Sins, which are calling for Vengeance. God of his Mercy give us Repentance, and be merciful to that Church and State.

We can return nothing for your Lordships care and kindness to us but humble and hearty thanks, and earnestly pray God Almighty for all Honour, Wealth, and Happiness to your Lordship here and hence.

As your Lordship hath commanded us we shall go from hence, and where we pitch our abode, with the first opportunity shall acquaint your Lordship. We were advised by our best friends to doe so, before we received your Lordships; but that Obedience we owe, and promised to His Majesty and your Lordship, made us that we would not stir for any Advertisement or Advice, how necessary or affectionate soever, till we had your Lordships Warrant.

All that kind respect which is above our desert

\* Burnet, p. 62.



and condition, and tender care your Lordship hath expressed to us, for our safety, and that which your Lordship hath superadded out of your noble Bounty, desiring us to be so bold as to shew your Lordship what Money, or any thing else necessary we stand in need of, that your Lordship may supply our necessity in this, hath so perplexed us for a time, that we knew not what to choose; on the one part being ashamed to doe it, both because it seemeth impertinent, and incongruous to trouble one of your Lordships Honour, Place, and Employment, with matters of this kind, and especially so unreasonably at such a time, when your Lordship is at such charge for the honour of His Majesties Service; as also that we are unprofitable, and cannot be useful to your Lordship in any kind, and so how should we to other troubles we make your Lordship, adde this to be chargeable: yet your Lordships noble and generous offer, and the necessity we are east into at this present, that what is our own or due to us we cannot command, and know as little who will do us the favour at this time to trust us, hath made us (seeing Obedience is better than Sacrifice) to cast our selves upon your Lordships Bounty and Favour; fearing on the one part your Lordship may be offended if we doe it not, and on the other, that otherwise we cannot be provided: Therefore I humbly intreat your Lordship, to let me have with the Bearer a hundred and fifty Pieces, payable at Whitsunday next with the Interest, or Martinmas, as your Lordship pleases; for which your Lordship shall receive from the Bearer my own personal Bond. Here and at this time I cannot give better Security, but by Gods Grace your Lordship shall be in no danger, come the world as it will.

I have more than need to beg humble pardon for my unmannerly and impertinent importunities, in troubling your Lordship at this time, taken up with weighty Affairs, if it were but to read this long Paper; and that I offend no more in this kind, I shut up all with my hearty Prayers to God Almighty for all Honour and Happiness to your Lordship, and an effectual blessing upon your Travels. So wisheth he who shall be, whilst he lives,

Your Graces most humble and  
bounden Servant,

JO. ROSSEN.

Berwick, 29 June, 1638.

1638.—July 2.

50. *Letter from the Privy Council to the King.\**

Most Sacred Sovereign,

The Marquesse of Hamiltoun, your Majesties Commissioner, having imparted unto us your Majesties gracious pleasure and allowance that the Judicatories of the Councell, of Session, and others, should be returned to the Citie of Edinburgh; Thereupon, the Lord Commissioner being present, order was given for publication at the Market Crosse of Edinburgh with all solemnities requisite; and that the like publication should be made throughout the whole Kingdome at all publike places: This hath given so great contentment to all your Majesties subjects, that we cannot expresse with what dutifull respect and heartie prayers for your Majestie they have embraced this great and undeserved favour: In consideration whereof wee conceive our selves bound in dutie to acquaint your Majestie herewith; and withall to render to your Majestie most humble and heartie thanks for this so great grace and goodnesse, which wee hope shall

contribute to the good of your Majesties service, and to establishing the peace of the Countrie, for the which we all your Majesties good subjects shall ever bee most thankfull, and all in dutie bound to pray for your Majesties long and happy Reigue.

Holy-rood-house July 2. 1638.

Subscribitur

Traquaire	Lauderdaile
Roxbrugh	Kinoul
Mar	Southesk
Morton	Lorne
Winton	Naper
Lithgow	Dalyell
Wigtonne	Ihay
Kingorne	Ja: Carmithaell
Hadinton	Thomas Hop
	John Hammilton

1638.—July 3.

51. *Speech by Commissioner to Court of Session.\**

MY LORDES,

I was varranted from his Maiestie to recall the Session againe to Edinbrughe; the cheiffe thing that moued him therto, was the sense of the maney incommodities wich his subiects in generall, and the Iudges in particular, did susteine by the renoueue of it; that his sacred Maiestie and Master had requyred him to desyre and command the Iudges to grant all reasonable dispatche to Maiesties subiects in the administratione of iustice, that so sometyne wich was lost, might be regained. Lykwayes, my Lordes, I must requyre you to be werye cairfull and circumspeete, that in thesse troublsome tymes, no order nor decree may passe from you, wich may be praeiudiciall to his Maiesties croune or seruice.

1638.—July 5.

52. *Act anent the High Commission.†*

At Halyrood-house, 5 July 1638.

The Lord Commissioner and Lords of Secret Councell having upon the 4 July instant, published his Majesties Declaration anent the seruice Book, Book of Canons, and High Commission; and being informed that His Majestes Declaration is not so clearly understood as is necessary for removing all scruples which may arise to any of his Majesties good subjects anent his Majesties declaration foresaid, declares that it is his Majesties gracious pleasure, likeas his Maties Commissioner foresaid, and Lords of Secret Council, abrogat and dischargis the said Service Book and Book of Canons, and inhibits all use and practice thereof, by whatsoever person or persons, of whatsoever quality, ecclesiastical or civil, within this Kingdom, anent the act of Council made in the month of 1636, and another made in the month of 1637, with the warrants whereupon the same proceeds, and proclamations following thereupon, anent the premises, or any part thereof, with all other warrants and proclamations made thereanent; and declares the same to be now and, in all time coming, null. And as far the High Commission, the Lord Commissioner and Lords of Secret Council finds themselves warranted to discharge; likeas, by these presents, they do discharge all the practice and exercise whatsoever of the high commission past heretofore: and declares all his Majestie's Lieges of whatsoever quality, free of all compearance before the Judges of the said

\* Large Declaration, p. 91.

\* Balfour, vol. ii., p. 275.

† Rothes' Relation, p. 150.



high commission, and discharges the saids Judges of all proceeding ag<sup>t</sup> His Maties subjects, by virtue thereof in time coming, till his Majesty so rectify the same as nothing therein shall impugu the Laws of this Kingdom, nor be a just grievance to his Majesty's good subjects; and ordains proclamation to be made hereof at the Mercat Cross of Edinburgh, and other places needful, wherethro' none pretend ignorance of the same.

1638.—July 13.

53. *Letter from Lord Rothes to Patrick Leslie, Aberdeen.\**

LOVING COUSIN,

Because your town of Aberdeen is now the only Burgh in Scotland that hath not subscribed the Confession of Faith [Covenant,] and all the good they can obtain thereby is, that if we sail fairly, as there are very good conditions offered, they shall be under perpetual ignominy, and the Doctors that are unsound, punished by the Assembly; and if things go to extremity, because they refuse, and, in hopes of the Marquis Huntly's help, the King will, perhaps, send in some ship or ships, and men there, as a sure place, and if that be good for the country, judge ye of it. It is but a fighting against the high God to resist this cause, and it is so far advanced already, that, on my honour, we could obtain with consent, 1. Bishops limited by all the strait caveats. 2. To be yearly censurable by Assemblies. 3. Articles of Perth discharged. 4. Entry of Ministers free. 5. Bishops and Doctors censured for bygone usurpation, either in teaching false doctrine, or oppressing their brethren. But God hath a great work to do here, as will be shortly seen, and men be judged by what is past. Do ye all the good ye can in that town, and in the country about—ye will not repent it—and attend my Lord Moutrose, who is a noble and true-hearted cavalier. I remit to my brother, Arthur, to tell you how reasonable the Marquis Huntly was, being here away: he was but slighted by the Commissioner, and not of his privy Council. No further. I am your friend and cousin,

ROTHES.

1638.—July 27.

54. *Additional Instructions by the King to Hamilton.†*

CHARLES R.

You shall try by all means to see if the Council will sign the Confession of Faith, established by Act of Parliament, with the new Bond joined thereto; but you are not publickly to put it to Voting, except you be sure to carry it, and thereafter that probably they will stand to it.

If the Council do sign it, though the Covenanters refuse, you shall proceed to the indicting of a free General Assembly; and though you cannot procure the Council to sign it, yet you are to proceed to the indicting thereof, if you find that no other Course can quiet business at this time.

You shall labour by all fair means that the sitting of the Assembly be not before the first of November, or longer if you can obtain it; for the place, We are pleased to leave it to your election; for the manner of indicting, you must be as cautious as

\* Rothes' Relation, (App. Banuatyne Chlb Print,) Napier's Montrose, &c. p. 172.

† Burnet, p. 65.

you can, and strive to draw it as near as may be to the former Assemblies in my Fathers time.

You must labour that Bishops may have Votes in Assemblies, which if you cannot obtain, then you are to protest in their Favours in the most formal manner you can think of.

As for the Moderator in the Assembly, you are to labour that he may be a Bishop, which though you cannot obtain, yet you must give way to their Election.

You are to labour, that the Five Articles of Perth be held as indifferent; strive that the admissions of Ministers may continue as they are; you may condescend, that the Oaths of their Admission be no other than is warranted by Act of Parliament.

You are, if you find that it may in any wise conduce to Our Service, to enact and publish the Order made at Holyroodhouse by Our Council the fifth of July last, for discharging the use of the Service-Book, Book of Canons, and the practice of the High Commission.

You are to protest against the abolishing of Bishops, and to give way to as few restrictions of their power as you can; as for the Bishops not being capable of Civil Places, you must labour what you can to keep them free.

You may give way that they shall be accountable to the General Assembly, which you shall indict at the rising of this against that time twelve month.

As for the Bishops Precedence, you are not to admit them of the Assembly to meddle therewith, it being no point of religion, and totally in the Crowe.

If the Bishop of St Andrews, or any other, be accused of any crime, you are to give way to it, so they may have a free Trial; and likewise the same of whatsoever person or Officer of State.

It is left to your discretion what course Bishops shall take, that are for the present out of the Country.

You are to advise the Bishops to forbear sitting at the Council, till better and more favourable times for them.

Notwithstanding all these Instructions above-mentioned, or any other accident that may happen (still labouring to keep up Our Honour so far as possibly you can) you are by no means to permit a present Rupture to happen, but to yield anything though unreasonable, rather than now to break.

C. R.

London the 27<sup>th</sup> July, 1638.

1638.—July 28.

55. *His Majesties Ten Demands.\**

1. That all Ministers deposed or suspended by the Presbyteries since the first of February last, without warrant of the Ordinarie, shall be restored to their owne places, till such time as they shall be legally convicted.

2. That all Moderators of Presbyteries, deposed since the foresaid day by the Presbyteries, without warrant of the Ordinarie, be restored, and all Moderatours, appointed by the said Presbyteries without warrant foresaid, to desist from executing the office of Moderator.

3. That all Ministers admitted by the Presbyteries since the foresaid day, without warrant from the Ordinarie, shall desist from exercising the function of their ministerie in that place to which they have beene so presented and admitted.

4. That all Parishioners shall frequent their owne

\* Large Declaration, p. 116.



Churches, and heare their owne Minister, and that the Elders assist the Minister in the Session, and other exercises of the discipline of the Church, as formerly they were used to do.

5. That all Bishops and Ministers, have their rents and stipends duly and thankfully paid them.

6. That all Ministers bee appointed presently to repaire to their own Churches, that none of them come to the Assemblie, or to the place where the same shall bee held, but such as shall bee chosen Commissioners from the Presbyteries.

7. That according to the Act of Assemblie 1606. Moderators of Presbyteries being found necessarie members of the Assemblie, every one of the said Moderators be appointed to bee Commissioner from that Presbyterie where he is Moderator.

8. That Bishops and other Ministers who shall attend the Assemblie, may be secured in their persons from all trouble and molestation.

9. That the Commissioners from Presbyteries, be chosen by the Ministers of that Presbyterie onely: And that no lay-person whatsoever, meddle in the choic, nor no Minister without his owne Presbyterie.

10. That all Convocations and meetings bee dissolved, and that everie man repaire to his owne house, and that the Countrey not onely be made peaceable, but also that all such Acts be forborne, as may make it appeare to be otherwayes.

And since his Majestie is still displeased with the Covenant, wisdom and our dutifull obedience to our Sovereigne require, that some such course should be taken, whereby his Majestie may receive satisfaction therein; and in the meane time, that there be no pressing, threatning, or perswading of men to subscribe the Covenant, nor no mention be made thereof any more in Pulpits.

1638.—July 23.

56. *Answers to these Articles.\**

Having seriously considered with our selves, that nothing in this world is so precious, and ought to be so deare unto us as our Religion; that the diseases of the Church after long toleration did threaten no lesse then her utter ruine, and the expiring of the truth of Religion at last; and that a free Generall Assemblie was the ordinarie remedie appointed by divine Authority, and blessed by divine providence in other Churches; and after a speciall manner in the Church of Scotland, wee have often and earnestly supplicated for the same, and have laboured to remove what was objected, or what we could conceive to be any hinderance to the obtaining of our desire, like as we have now for the same good end resolved to returne this answer to the particulars propounded, to be performed by us before any Assemblie be indicted.

The particulars propounded, are either concerning matters Ecclesiasticall, or Civill: Ecclesiasticall, or Church matters are, The first, concerning Ministers deposed or suspended by the Presbyteries, since the first of Februarie last, without warrant of the Ordinarie, that they bee restored to their owne places. The second, concerning Moderators of Presbyteries deposed since the foresaid day, to be restored, and all Moderators appointed by the said Presbyteries without warrant aforesaid, to desist from executing the office of Moderator. The third, concerning Ministers admitted since the foresaid day, that they desist from exercising the function of the Ministerie in that place, to which

they have beene admitted. These three particulars do concerne the power, dutie, and particular facts, or faults of Presbyteries, wherein we have no power to judge or determine, whether they have proceeded lawfully or not, farre lesse can wee urge or command them to recall what they have determined or done, in the suspending, deposing, or admitting of Ministers, or Moderators; they being properly subject to the superiour Assemblies of the Church; and in this case and condition of the Church, to the Generall Assemblie, where, if they shall not after triall justifie their proceedings, from the good warrants of Scripture, reason, and the acts and practices of the Church, they ought to sustaine their owne deserved censure. And since on the one side, there bee many complaints against the Prelats for their usurpation over Presbyteries in the like particulars; and on the other side, there be such complaints of the doings and disorders of the Presbyteries to the offence of the Prelats; wee trust that his Majesties Commissioner will not esteeme this to bee any hinderance of the indiction of a Generall Assemblie, but rather a powerfull and principall motive with speed to convene the same, as the proper Judicatorie wherein to determine such dangerous and universall differences of the Church. Neither do we heare that any Ministers are deposed, but onely suspended during this Interim till a Generall Assemblie, for their erroneous doctrine and flagitious life; So that it were most offensive to God, disgracefull to Religion, and scandalous to the people, to restore them to their places till they bee tried, and censured. And concerning Moderators, none of them (as wee understand) are deposed, but some onely changed, which is verie ordinarie in this Church. The fourth, concerning the repairing of Parishioners to their owne Church, and that Elders assist the Ministers in the discipline of the Church, ought to be cognosed and judged by the particular Presbyteries, to which the Parishioners and Elders are subject, since the cause may be in the Ministers no lesse then in the Parishioners and Elders. And in ease they finde no redresse there, to assent till they come to a Generall Assemblie, the want whereof maketh disorders to bee multiplied, both in Presbyteries and particular Parishes.

To the sixth, That Ministers wait upon their owne Churches, and that none of them come to the Assemblie, or place where the same is kept, but such as shall be chosen Commissioners from Presbyteries, we answer, That none are to come to the place of the Assemblie, but such as are either allowed by Commission to have voice, or otherwise have such interesse as they can justifie to his Majesties Commissioner, and the Assemblie convened.

To the seventh, Concerning the appointment of Moderators of Presbyteries to bee Commissioners to the Generall Assemblie, onely constant Moderators, who have ceased long since, were found in the Assemblie 1606. (which yet was never reputed by the Church to be a lawfull nationall Assemblie) to be necessarie members of the Generall Assemblie. And if both the Moderators, who if they be necessarie members need not to bee chosen, and the chosen Commissioners repaire to the Assemblie, the Assemblie it selfe can judge best of the members whereof it ought to consist.

To the ninth, That no lay-person whatsoever meddle with the choosing of Commissioners from the Presbyteries, and no minister without his owne Presbyterie, we say, That according to the order of our Church discipline, none but Ministers, and Elders of Churches ought to have voice in choosing

\* Large Declaration, p. 117.



Commissioners from Presbyteries, and that no Minister, or Elder should have voice in Election, but in his owne Presbyterie.

The rest of the particulars are concerning civil matters: As the fifth concerning the paying of Rents and Stipends to Ministers and Bishops, concerning which we can say no further, but that the lawes are patent for them, as for his Majesties other subjects, and that the General Assemblie ought not to be delaied upon any complaint in that kinde.

The eighth, requiring that Bishops, and Ministers be secured in their persons, we think so reasonable, that wee will promise everie one of us for our own parts, they shall suffer no violence from us, and that we shall hinder others so farre as wee may; And if any trouble them otherwise, or make them any kinde of molestation in that attendance but by order of Law, the parties are justly punishable according to the degree of their fault as other subjects are.

To the tenth, concerning the dissolving of all Convocations and meetings, and the peaceableness of the Countrie; These meetings being kept for no other end, but for consulting about lawfull remedies against such pressing grievances as threaten the desolation of this Church and State, cannot be dissolved till the evils be removed. And we trust, that nothing in these our meetings hath escaped us, which carrieth in it the smallest appearance of undutifulnesse, or which may seeme to tend to the breach of the common peace: But although our adversaries have herein calumniated us, yet we have alwayes so behaved our selves, as becomed his Majesties most humble and loyall subjects, petitioning his Majestie for a legall redresse of our just grievances.

To the last, concerning the Covenant; the Commissioner his Grace having many times and most instantly pressed us with that point, we did first by invincible arguments make manifest, that we could not, without sinning against God, and our owne consciences, and without doing wrong to this Nationall Church, and all posteritie, reseind or alter the same: And thereafter did at large cleare the same of all unlawfull combination against Authoritie, by our last Supplication and Declaration, which his Majesties Commissioner accepted as the most readie and powerfull of all other meanes, which could come within the compasse of our thought to give his Majestie satisfaction, The subscription of this our confession of Faith, and Covenant being an act so evidently tending to the glorie of God, the Kings honour, and happinesse of the Kingdome: And having alreadie proved so comfortable to us in the inward of our hearts, It is our ardent and constant desire, and readie wish, that both his Majestie and all his good subjects may be partakers of the same comfort, Like as we finde our selves bound by conscience, and by the Covenant it selfe, to perswade all his Majesties good subjects to join with us for the good of Religion, his Majesties honour, and the quietnesse of the Kingdome: which being modestly used by us without pressing, or threatening of the meanest, we hope shall never give his Majestie the least cause of discontent.

Seeing therefore, according to our power and interesse, wee are most willing to remove all hinderances, that things may bee carried in a peaceable manner, worthy our Profession, and Covenant, doe aime at nothing but the good of the Kingdome, and preservation of the Church, which by consumption, or combustion, is like to be desperately diseased, except remedy some way be speedily provided;

And wee delight to use no other meanes, but such as are legall, and have been ordinarie in this Church, since the Reformation: Wee are confident that without further delay, for preventing of greater evils and miseries then we can expresse, our just desires shall be granted. So shall we be encouraged in the peace of our souls, still to pray for his Majestie, all encrease of our true honour, and happinesse.

1638.—July 28.

57. *Reply by the Commissioner.\**

1. If the Lords and the rest will undertake for themselves and the rest, that noe Laicks shall have voyces in choosing the Ministers to bee sent from the severall Presbyteries to the General Assembly, nor none else but the Ministers of the same Presbyterie:

2. If they will undertake that at the Assemblie they shall not goe about to determine of things established by Acts of Parliament, otherwise then by remonstrance or petition to the Parliament, leaving the determining of things Ecclesiasticall to the generall Assembly, and things settled by Act of Parliament, to the Parliament:

Then I will presently indict a Generall Assembly, and promise, upon my Honour, immediately after the Assembly to indict a Parliament, which shall cognosce of all their complaints.

1638.—July 30.

58. *Letter from the King to Privy Council.†*

CHARLES R.

Right trusty and well-beloved Cousin, Councellour and Commissioner, and Right trusty and well-beloved Cousins and Councellours, and trusty and well-beloved Councellours, We Greet you well.

The great Distractions which have of late arisen both in Kirk and Commonwealth, in that Our Ancient Kingdom of Scotland, have much troubled the minds of many good and loyal Subjects there, and these Distractions have fallen out among them upon Jealousies and Fears of Innovation in Religion, and introducing of Popery; and not without some Fears conceived amongst them, as if We Our Self were that way inclined.

Upon occasion of these Fears they have of late signed a Covenant, or Bond for conserving the Religion established, and the Laws of the Country; but this Bond being not subscribed by Royal leave and Authority (as was that in Our dear Fathers time) must needs be both null in it self, and very prejudicial to the ancient and laudable Government of both Kirk and Commonwealth: which though We must declare unto you, yet out of Our inborn Love to that Our Native Country, and Loyal Subjects there, and for the obviating of these causeless Fears, and to satisfie your selves and all Our loving People, We do hereby under Our hand let you know that We are, and have ever been satisfied fully in Our Judgement and Conscience, both for the Reformed Religion and against the Roman; and that by Gods Grace and Goodness, We purpose both to live and die in the belief and practice of the Religion now established, and to preserve it in full strength, according to the Laws of that Our Kingdom: and to the end that this may appear to Posterity, how firm and settled We are in that Our Religion, We require you Our Commissioner and

\* Large Declaration, p. 123.

† Burnet, p. 67.



Council to see these Letters registred according to course.

Given at Our Court at Oatlands, July 30. 1638.

1638.—July 30.

59. *Declaration by the King.\**

CHARLES R.

The great Distractions which of late have risen both in Kirk and Commonwealth, in this Our ancient Kingdom, have so troubled the minds of many of Our good and loyal Subjects there, that they have been possessed with Fears as if Popery had been intended to have been introduced, and as if We Our Self were that way inclined : upon occasion of which Fears a Covenant or Bond of late hath been drawn up, intended by the Subscribers (as doth appear by their Supplication, presented to Our Commissioner the 26<sup>th</sup> of June last) for conserving the Religion and Laws of the Country ; but it not being done by Royal leave and Authority, as was that in Our dear Fathers time, must be both null and void of it self, and much prejudicial to the ancient and laudable Government of Kirk and Commonwealth : Therefore We for obviating those Fears, which have been misconceived, both against Our Person and Profession, for matters of Religion, and to satisfie not our loving Subjects only, but all the Christian World, that We do, and (by Gods Grace) ever will maintain the true Christian and Reformed Religion, established in this our Kingdom, and to let the World see, that this shall be done in and with all freedom according to the Laws of Our Country, have signed the Confession of Faith, established by Act of Parliament An. 1557, with this Bond following, in defence of it, and Royal Authority, Laws, and Liberties of the Country ; and do also require the present Subscription of this Confession and Bond by all Our loving Subjects, that it may remain in force to Posterity, that they may know how careful We are, and have been to preserve the integrity of Religion, and the freedom of Our Laws.

1638.—August 13.

60. *Declaration by Hamilton to the Privy Council.†*

MY LORDS,

I thought it fit to acquaint your Lordships before I returned His Majesties Answer to the Noblemen, and others petitioning for the same, which is so full of Grace and Goodness, that we have all cause to bless God, and thank His Majesty for it : such is his tender care of this poor distracted Kingdom, that he will leave nothing undone, that can be expected from a Just Prince, to save us from Ruine ; and since he finds such Distraction in the Church and State, that they cannot be well settled without a Parliament and Assembly, the state of the Country and business being prepared for it, he hath given me Warrant for calling of both, that they may be orderly held, as formerly they have been, according to the Laws and Customs of the Kingdom.

And further I am to declare to your Lordships, that this we are to attribute only to His Goodness, for we cannot but acknowledge, that our carriage hath been such, as justly we might have expected that he would have taken another course with us : which he was Royally and really prepared for, (had not His Mercy prevailed above His just Indignation) and by a powerful and forcible way have taught us

Obedience, which he hath forbore to make use of merely out of His Grace and Goodness. It is our duty to let His Subjects know, how great our obligation is to Him, which every one of us in particular, and all of us in general, should strive to make every one sensible of ; and labour, so far as lieth in our power, to procure satisfaction to His Majesty, and quiet to this distracted Church and State.

1638.—August 25.

61. *Articles of Advice, by Hamilton and other Peers, to the King.\**

Since the cause and occasion of all the Distractions, which of late have happened both in Kirk and Polity, seems to proceed from the conceived Fears of Innovation of Religion and Laws, and that the Service-Book, Book of Canons, and the unbounded power of Bishops in the High Commission (never yet warranted by Law) was that which first gave ground and occasion to the Subjects Fears, and seeing the said Books are offered to be proved, to be full of Tenets and Doctrines contrary to the Reformed Religion, professed and established within this Kingdom, and the same introduced against all form and custom practised in this Church ; it were an Act of Justice well beseeeming so Gracious and Glorious a King, absolutely and fully to discharge the same.

And seeing likewise this High Commission hath given so great offence to so many of your Majesties good Subjects, and as is constantly affirmed, is of so vast and illimited a power, and contrary to express Laws, by which all such Judicatories, not established by Act of Parliament, are declared to be of no force ; it would much conduce to the satisfaction of this People, if this Judicatory were discharged till the same were established by Law.

The practice of the Five Articles of Perth hath been withstood by the most considerable part of the Subjects of all qualities, both Laity and Clergy, whereby great Divisions have been in this Church, and are like to have an increase, if Your Majesty, (in Your accustomed goodness and care of this poor Kirk and Kingdom) shall not be graciously pleased to allow that the pressing of these Articles may be forbore until the same may be considered of in an Assembly and Parliament ; and although we conceive Episcopacy to be a Church-Government most agreeable with Monarchy, yet the illimited power which the Lords of the Clergy of this Kingdom have of late assumed to themselves, in admitting and deposing of Ministers, and in divers others of their Acts and Proceedings, gives us just ground humbly to beg, that Your Majesty may be pleased to remit to the Consideration of the Assembly this their unwarranted Power.

The sense and apprehension of these foresaid Evils, hath stirred up the Subjects without warrant of Authority, to join in a Bond and Covenant to withstand the foresaid Innovations, and for maintenance of the true Religion, the Kings Majesties Person, and of one another in the defence thereof.

If your Majesty might be graciously pleased in supplement hereof, to allow or warrant such a Confession of Faith, with such a Covenant or Bond joyned thereto, as that signed by Your Majesties Father, and by His Command, by the Council and most part of the Kingdom, we are very confident the same would be a ready and forcible mean to quiet the present Disorders, at least to satisfie most part ; and if Your Majesty shall condescend

\* Burnet, p. 67.

† Ibid, p. 69.

\* Burnet, p. 70.



to the foresaid Propositions, we are hopeful, if not confident, it shall give so great content to so considerable a number of Your Majesties good Subjects, of all qualities, that if any shall stand out, or withstand Your Majesties Royal Pleasure, after the publication thereof, they may be overtaken by Your Majesties Power within this Kingdom, without the help or assistance of any Force elsewhere.

And because it is to be hoped, that all that hath past in this business, and all the Courses that have been taken herein by the Subjects, hath proceeded from the foresaid Fears of Innovations, and not out of any Disloyalty or dissatisfaction to Sovereignty, and that Your good People may still taste the fruits of Your Grace and Goodness, we wish Your Majesty may be graciously pleased, upon the Word of a King, to pardon what is past, and never so much as to take notice of any of the Actions or Proceedings of what person soever, who after this shall carry himself as becomes a dutiful Subject, and in testification thereof shall give his best assistance for settling the present Disorders.

And if Your Majesty may be pleased to condescend hereto, we conceive all Your Majesties Subjects, Petitioners or Covenanters, should acquiesce, and rest heartily satisfied therewith; and if any shall be so foolish or mad, as notwithstanding this Your Majesties grace and goodness, still to disturb the Peace of Your Majesties Government, we in testification of our hearty thankfulness to our Sovereign, by these, humbly and heartily make offer of our Lives and Fortunes, for assisting Your Majesty, or Your Commissioner, in suppressing all such Insolences or insolent persons.

Signed	Hamilton.	Roxburgh.
	Traquair.	Southesk.

1638.—September 9.

62. *New Instructions by the King to Hamilton.\**

CHARLES R.

I. You shall in full and ample manner, by Proclamation or otherwise, as you shall see cause, declare, That We do absolutely revoke the Service-Book, the Book of Canons, and the High Commission.

II. You shall likewise discharge the practice of the Five Articles of Perth, notwithstanding the Act of Parliament, which doth command the same, and in the said Proclamation you shall promise, in Our Name, that if in the first Parliament to be held the three Estates shall think fit to repeal the said Act, We shall then give Our Royal Assent to the said Act of Repeal.

III. You shall likewise declare, that We have enjoyed, and authorized the Lords of Our Privy Council to subscribe the Confession of Faith, and Bond thereto annexed, which was subscribed by Our dear Father, and enjoyed by His Authority in the year 1580. and likewise have enjoyed them to take order, that all our Subjects subscribe the same.

IV. You shall likewise declare, that Our meaning and pleasure is, that none of Our Subjects, whether Ecclesiastical or Civil, shall be exempted from censures and trial of the Parliament, or General Assembly, those Courts proceeding against them in due form and order of law.

V. You shall likewise declare, That we are Graciously content, that the Episcopal Government, already established, shall be limited with such Instructions, as may stand with the Laws of this Church and Kingdom already established.

VI. You shall offer a Pardon by Proclamation, and promise in it a Ratification of the same in Parliament, to all Our good Subjects, who shall rest satisfied with this Our gracious Declaration, and hereafter carry themselves as becomes peaceable and dutiful Subjects.

VII. You shall procure an Act of Council, wherein every Councillour shall declare himself fully satisfied with this our Declaration, and (if you can) they shall moreover solemnly swear and protest to adhere to Us, and with their Lives, Fortunes, and whole Means, assist Us in the punishing and repressing all such as shall be found to be disobedient to Us, or persist in turbulent and unpeaceable Courses; and if any of Our Councillours shall refuse so to doe, you shall presently remove him from the place of a Councillour.

VIII. You shall likewise require every Lord of the Session to subscribe the Confession of Faith abovementioned, and the Bond thereunto annexed; as likewise to make the same Protestation in all things, as in the last Instruction is required of a Councillour: and if they shall refuse to doe it, you shall then certify to Us the names of such Refusers.

IX. You shall likewise declare, that Our Pleasure is, That a most solemn Fast be indicted upon a set day throughout the whole Kingdom, which shall precede the General Assembly in some competent time. The Causes shall be declared, to beg Gods blessing on that Assembly, to beg of God a peaceable end to the Distractions of this Church and Kingdom, with the aversion of Gods heavy judgement from both. The form of Indiction we desire to be according to the most laudable Custom of this Church in most extraordinary cases.

X. You shall labour as much as in you lieth, that both the Electors, and Persons elected to be Commissioners at the General Assembly, shall be the same that were wont to be in My Fathers time, and the same forms to be observed as near as may be: but yet if that cannot be obtained, it shall be no lett to you from indicting a General Assembly; but you shall go on in it, by all such means, as you shall find to be most advantageous to Me in that Service.

XI. The time and place of the Assembly, (Edinburgh only excepted) We leave to your Judgment and Pleasure.

XII. You shall likewise presently indict a Parliament; the time and place We leave likewise to you.

XIII. Whether you shall first publish Our Gracious Offers, or first indict the Assembly, We leave it to your own Judgment as you shall see cause.

XIV. If you shall find the most considerable part of the Council not to acquiesce in this Our Gracious Declaration, and not to promise hearty and chearful Assistance to Us, as is above expressed, or not a considerable part of other Lords and Gentlemen, in case Our Council refuse, then you shall neither indict Parliament nor Assembly, nor publish any of My Gracious Offers, except only the abolishing of the Service-Book, Book of Canons and High Commission; but leave them to themselves, and to such further Order as We shall be forced to take with them; only if you foresee a Breach, you shall give timely warning thereof, to such as have stood well-affected to Our Service, that so they may in due time provide for their safety, and your self is to return to Us with expedition.

XV. You must by all means possible you can think of be infusing into the Ministers, what a

\* Burnet, p. 72.



wrong it will be unto them, and what an oppression upon the freedom of their Judgements, if there must be such a number of Laicks to overbear them, both in their Elections for the General Assembly and afterwards.

XVI. Likewise you must infuse into the Lay-Lords and Gentlemen with art and industry, how manifestly they will suffer, if they let the Presbyters get head upon them.

XVII. For the Forms of these We leave to you, and such Learned Council as you shall use upon the place, always provided, that you retain the substance of these Our Instructions.

XVIII. You shall enjoyn in Our Name the Lords of Council, and all other Our good Subjects to subscribe the Confession of Faith signed by Our dear Father; and publish Our charge to all Commissioners and Ministers for that end, according to the same, signed with Our Royal Hand; and further proceed in that particular, according as We have directed you, and Our Council by Our Letter to that effect.

CHARLES R.

Oatlands the 9<sup>th</sup>  
of Septemb. 1638.

1638.—September 9.

63.—*Instructions as to the Bishops.\**

CHARLES R.

You shall shew My Lord of St Andrews, that We intend by being content with his demission of the Chancellours Place no injury to him, and most willing We are, that in the manner of doing it he may receive no prejudice in his reputation, though we cannot admit at this time of his nominating a Successor; and to make it more plain, that We are far from having any thought to afirout him, by thinking of his demission, We will in no ways that you urge him to do it; yet you are to intimate that in Our opinion a fair demission will prove more to the advancement of Our Service, and be better for him, than if he should retain the Place.

If you find him willing to demit, you shall then try what consideration he doth expect from Us, and if the same be not altogether unreasonable, you shall promise it in Our Name.

If a demission, then it is presently to be done.

If he resolve to hold that Place, then you must presently command his repair to Scotland, all excuses set apart.

You shall communicate to him and the rest of his Brethren, that far of Our Intentions, that it is probable you may indict a General Assembly.

That We are content absolutely to discharge the Books of Service, and Canons, and the High Commission.

You shall shew that the Five Articles of Perth We are pleased be esteemed as indifferent, and that though We maintain Episcopacy, yet We will be content that their Power be limited according to the Laws.

And it is Our further Pleasure, that if an Assembly be indicted, he and the rest of his Brethren be there, to defend themselves and their Cause; and for that end, that he and they repair to Newcastle, Morpeth, or Berwick, there to attend your further advertisement, that so immediately they may repair to Scotland, not only to answer for themselves at the said Assembly, but likewise to consult with you, what will be fittest to be done, for the advancement of Our Service that evil may be kept

off, so much as in you and them lieth, both from Kirk and Commonwealth.

C. R.

Oatlands the 9<sup>th</sup> September, 1638.

1638.—September 9.

64. *Proclamation.\**

CHARLES, by the grace of God, King of Scotland, England, Fraunce, and Ireland, defender of the faith. To our Lovits

Messengers, Our Sheriffs, in that part conjunctly and severally specially constitute, greeting. Forso-much as the cause and occasion of all the distractions which have happened of late both in Church and Commou-weale of this Our Kingdome, have proceeded from the conceived fears of innovation of Religion and Lawes: To free all our good Subjects of the least suspicion of any intention in Us to innovate any thiug, either in Religiou or Laws; and to satisfie, not only their desires, but even their doubts: We have discharged, and by these presents do discharge the Service book, book of Canons, and high Commission, and the practice of them, or any of them; and by these presents annuls and rescinds all acts of Councell, Proclamations, and other acts and deeds whatsoever that have been made or published, for establishing them, or any of them: and declares the same to be null, and to have no force nor effect in time coming. And being informed, that the urging of the practice of the five Articles of Pearth Assembly, hath bred great distraction and division in the Church and State, We have been graciously pleased to take the same into Our consideration; and for the quiet and peace of Church and State, do not only dispense with the practice of the saids Articles, but also discharge, like as by these presents Wee discharge all and whatsoever persons from urging the practice thereof, upon either laicke or ecclesiasticall person whatsoever. And We doe hereby free all Our Subjects from all censure and pain, whether ecclesiasticall or secular, for not urging, practising, or obeying the same, notwithstanding of any thing contained in the acts of Parliament, or generall Assembly to the contrarie. And because it hath been, to the disgrace of government, disperst and surmized throughout this Our Kingdome, that some of Our Subjects have exercised such illimited and unwarranted power, and have held themselves eximed from censure and punishment, to which others Our Subjects are lyable: We do by these prescuts declare, that if any of Our Subjects, whether ecclesiasticall or civill, of whatsoever qualitie, title, or degree, have, or shall at any time presume to do any such act, or assume to themselves any such exemption or power, That they shall, like as by these presents We make and ordain them to be lyable to the tryall and censure of Parliament, generall Assembly, or any other judicatories competent, according to the nature and qualitie of the offence. And for the free entrie of Ministers, that no other oath be administrate unto them, than that which is contained in the act of Parliament. And to give Our Subjects full assurance, that we never intend to admit of any change or alteration in the true Religion already established and professed in this Our Kingdome, And that all Our good people may be fully and clearly satisfied of the realitie of Our intentions towards the maintenance of the truth, and integrity of the said Religion: Wee have thought

\* Burnet, p. 74.

\* Dr M'Crie's Collection of Pamphlets.



fit and expedient to enjoyn and authorize, like as We by these presents do require and command all the Lords of Our privie Councell, Senatours of the Colledge of Justice, Judges, and Magistrates to burgh and land, and all Our other Subjects whatsoever, to subscribe and renew the Confession of Faith, subscribed at first by Our dear Father and his household, in the year of God, 1580. Thereafter by persons of all ranks, in the year 1581. by ordinance of the Lords of secret Councell, and acts of the generall Assembly. Subscribed again by all sorts of persons in the year, 1590. by a new ordinance of Councell at the desire of the generall Assembly, with their generall band of maintenance of the true Religion, and the Kings person. And for that effect we do require the Lords of Councell to take such course, anent the foresaid confession and generall band, that it may be subscribed and renewed throughout the whole kingdome, with all possible diligence. And because we will not leave in Our Subjects mindes the least scruple or doubt of our royall intentions and recall resolutions, Wee have given warrant to Our Commissioner to indict a free generall Assembly to be holden at Glasgow the twentieth one day of November, in this present year, 1638. And thereafter a Parliament to be holden at Edinburgh the fifteenth day of May, Anno 1639. for settling a perfect peace in the Church, and Common-weale of this Kingdome. And because it is likely that the disorders and distractions which have happened of late, have been occasioned through the conceived fears of innovation of religion and laws, and not ont of any disloyalty or disaffection to Sovereignty: We are graciously pleased absolutely to forget what is past, and freely to forgive all by-gones to all such as shall acquiesce to this Our gracious pleasure, and carry themselves peaceably as loyall and dutifull Subjects, and shall ratific and approve the same in Our next ensuing Parliament. And that this Assembly may have the better successe, and more happy conclusion, Our will is that there be a solemn fast proclaimed and kept by all Our good Subjects of this kingdome, a fourteen daies before the beginning of the said Assembly: the causes thereof to be a begging a blessing from God upon that Assembly, and a peaceable end to the distractions of this church and kingdome, with the aversion of Gods heavie judgement from both. And our pleasure is that this fast be kept in the most solemn manner as hath been in this Church at any time heretofore upon the most extraordinary occasion.

OUR WILL is herefore, and we charge you straitly and command, that incontinent these our letters seen, ye passe, and make publication hereof by open proclamation at the market crosses of the head burrows of this kingdome, where-through none pretend ignorance of the same.

Ginen at our court of Oatlands, the ninth day of September, 1638.

*Per Regem.*

1638.

65. *A Direction by Covenanters for Presbyteries.\**

1. That every Presbyterie have a copie of the Act made at Dundie the seventh of March 1597. concerning the number of Commissioners; the tenour whereof followeth:—

Because there hath bene no order hitherto anent the number of Commissioners to be directed from everie Presbyterie to the Generall Assemblie, there-

fore it is statuted and ordained, that in all time comming three of the wisest and gravest of the Brethren shall be directed from everie Presbyterie at the most, as Commissioners to everie Assemblie and that none presume to come without Commission: And likewise, that one bee directed from everie Presbyterie in name of the Barons, and one out of everie Burgh, except Edinburgh, which shall have power to direct two Commissioners to the Generall Assemblie.

2. That everie Presbyterie have a copie of the Commission, to be given to the Commissioners; the tenour thereof followes.

T. T. the day of The which day after calling upon the name of God, We the members of the Presbyterie of having diligently considered the manifold corruptions, innovations, and disorders, disturbing our peace, and tending to the overthrow of our Religion, and Liberties of the reformed Church within this Realme; which hath come to passe, especially through the want of the necessarie remedie of Generall Assemblies, as well ordinarie as *pro re nata*, enjoyned by this Church for many yeares, and ratified by Act of Parliament, And now expecting shortly by the mercie of God the benefit of a free Generall Assemblie, do by these presents nominate and appoint Minister of as also

in name of the Burrowes, conjunctly and severally our lawfull Commissioners, giving and granting unto them our full power, Commission, and expresse charge, to repaire to the said Assemblie at the day and place, when and where it shall happen to sit, in any safe and commodious place within this Kingdome, and there with the rest who shall be authorised with lawfull Commission, in our name to propone, treat, reason, vote, and conclude, according to the word of God, and confessioun of faith approved by sundrie Generall Assemblies, and received throughout the whole Kingdome in all Ecclesiasticall matters, competent to a free Generall Assemblie, and tending to the advancement of the Kingdome of Christ, and the good of Religion, as they will answer to God, and his Church thereupon, and to report to us their diligence therein. In testification of this our Commission and charge, we have subscribed these presents with our hands, and which they have accepted with the lifting up of their hands.

3. That everie Church Session send one of the most qualified Elders unto the Presbyterie the day of chusing Commissioners to the Generall Assemblie: That by common consent of the Ministers and those Elders present in the Presbyterie, there may bee chosen both the Commissioners for the Ministers, and also some well affected and qualified Nobleman, or speciall Gentleman, being an Elder of some particular Church Session within that Presbyterie, in name of the Barons: For this is the constitution of the Presbyteries, (otherwise called Elderships) appointed by the Church in the books of discipline, Acts of the Generall Assemblie, practised for many yeares after the reformation, and ratified in the Parliament, the twelfth of King James the 6. and never since altered nor rescinded; neither can be with reason altered, seeing that same is the constitution of the supreme and Generall Assemblies, and of the inferiour and Church Sessions, as is at more length cleared by some reasons.

4. That such as are erroneous in doctrine, or scandalous in life, be presently processed, that they be not chosen Commissioners; and if they shall happen to be chosen by the greater part, that all the best affected, both Ministers and Elders, pro-

\* Large Declaration, p. 129.



test and come to the Assemblie to testifie the same.

5. To send to everie Presbyterie a copie of the printed reasons for an Assemblie.

6. That Moderators by vertue of their office bee not Commissioners to the Assemblie, except they be chosen.

7. That the Presbyteries in one of the ordinarie meetings, appoint to conveene solemnely after the twentieth of September, either upon the 21. 22. 23. 24. or 25. for chusing of their Commissioners to the Assemblie, and for to send them hither to Edinburgh before the first of October, or so soone as they can, that with common consent, they may receive the Kings last answer, and advise upon the next lawfull remedies, in their extreme necessities of Church and State.

That in the Fast to be observed on the sixteenth day of September, the second day preceeding their election, they may crave God's direction therein.

1638.—September 22.

66. *Letter from the King to Hamilton.\**

HAMILTON,

If I should be too long silent, I seem to contradict that Rule which myself prescribed; therefore, though for the present I can say nothing of the main business, yet this must go if it were but to acknowledged the receipt of your two—viz., of the 12<sup>th</sup> of September from Ferribridge, and of the 17<sup>th</sup> of the same from Holyrood-house. So referring you to the Comptroller for what concerns the Ordnance that is to be transported to Hull, I rest

Your assured constant Friend,  
CHARLES R.

Hampton-Court,  
22 Sept. 1638.

1638.—September 22.

67, 68.—*Proclamations.*†

At Holy-rood-house the 22. day of September 1638.

Forsomuch as it hath pleased the Kings Majestie, out of his pious and religious disposition to the true Religion, and out of his fatherly care, for removing of all feares, doubts, and scruples, which may arise in the mindes of his subjects, for preservation of the puritie thereof, and upon divers great and weightie considerations, importing the glory of God, the peace of the Kirke and Common-weale of this kingdome, to appoint and give order, that a free generall Assembly be indicted, kept, and holden at the [Citie] of Glasgow the 21. of November next. Therefore the Lords of secret Councell ordaines letters to be direct, charging Maissars, and Officers of Armes, to passe and make publication hereof by open Proclamation at the Market Crosse of Edinburgh, and the head Burrowes of this Kingdome, and other places needfull. And to warne all and sundry Archbishops, Bishops, Commissioners of Kirkes, and others having place and vote in the Assembly, to repaire and addresse to the said Citie of Glasgow the said one and twentieth day of November next to come, and to attend the said Assembly induring the time thereof, and aye and while the same be dissolved, and to doe and performe all which to their charges in such cases appertaineth, as they will answer to the contrarie at their highest perill.

\* Burnet. p. 79.

† Large Declaration, p. 146.

At Holy-rood-house the 22. day of September 1638.

Forsomuch as it hath pleased his Majestie, out of his pious and religious disposition to the true Religion, and out of his fatherly care for removing of all feares, doubts, and scruples which may arise in the mindes of his subjects, for preservation of the puritie thereof, and upon divers other great and weighty causes, importing the glory of God, the peace of the Kirke and Common-weale of this Kingdome, to appoint and give order, that the Sovereigne and High Court of Parliament shall be holden at the Citie of Edinburgh upon the 15. day of May next to come, with continuation of dayes; Therefore the Lords of secret Councell ordain letters to be direct to Maissars and officers of Arms, charging them to passe to the market Crosse of Edinburgh, and other places needfull, and thereby open Proclamation to make publication of the holding of the said Parliament, and to warne all and sundry Noblemen, Prelates, and Commissioners for the Barons and Burrowes, and all others having voice and place in the said Parliament, that they and every one of them, in their most decent and comely manner, make their addresse to the said Parliament, attend and await thereat during the time thereof, and to discharge that duty which is incumbent to them, and each one of them, as they will answer on the contrary at their perill.

1638.—September 22.

69. *Letter from the King to the Privy Council.\**

Apud Holy-rood-house Septemb. 22. 1638.

The which day James Marquesse of Hamiltoun His Majesties Commissioner, produced and exhibited before the Lords of Privie Councell, the two Missive underwritten, signed by the Kings Maiesitie, and directed to the said Lords, which being read, heard and considered by the said Lords, They have ordained, and ordaines the same to be inserted and registred in the books of secret Councell, therein to remaine *ad futuram rei memoriam*, whereof the tenour followeth.

CHARLES R.

Right trusty, &c. being certainly informed that the distractions which have happened of late, (both in Church and Commonwealth) in this Our ancient Kingdome of Scotland, have much troubled the minds of many of Our good and loyall subiects; and that these distractions have beene occasioned upon jealousies and feares of innovation of Religion and Lawes, as tending to the introduction of Poperie, and not without some suspition as if Wee Our selfe were inclined that way; Upon occasion whereof, many of Our subjects have of late subscribed a band or Covenant for preserving the true Religion and Lawes already established, and for defending the Kings person, and each others, in defence thereof: But the same not being warranted by Royall authority (as that which was in Our deare Fathers time) must needs of it selfe be ineffectuall, and much prejudiciall to the ancient Forme and Custome of government kept within that Our Kingdome of Scotland: Wherefore Wee, out of Our inborne love to Our said native Countrie, and for obviating these conceived feares, and satisfying of you and all Our loving people, have thought good to ordaine the Confession of Faith, and band subjoynd thereto, of the date at Edin-

\* Large Declaration, p. 134.



burgh, Januarie 23. 1580. and signed by Our Royall Father to bee renewed: And to that effect have given Order to Our Commissioner, with advice of Our Councell, to set downe and settle some solid course, whereby the same may be subscribed by Our Councell, Judges, Magistrates of Burroughes, and all other Our people of that Kingdome. And for further clearing of Our selfe, Wee declare, That as We are and ever have bene satisfied in Our judgment and conscience for the reformed Religion now established, and against the Roman: so Wee purpose, by Gods grace, both to live and die in the practice thereof, and to preserve and maintaine the same in full strength and integritie, according to the Lawes of that Our ancient Kingdome. What We have thought further fitting to be done at this time, concerning the particulars contayned in Our subjects petitions; you shall receive Our full pleasure therein from Our Commissioner. And that this Our Declaration concerning Our selfe, and Our pious intention, for settling the Reformed Religion within that Our Kingdome may appeare to posteritie. Our pleasure is, that these presents be registred in the Books of Councell.

Oatlands, Septem. 9. 1638.

1638.—September 22.

70. *Act of Council.\**

The Lords of secret Councell having read and maturely considered his Majesties letters, and particular declaration of his pleasure anent the annulling of the Service Book, book of canons, and high Commission, discharging the pressing of the practice of the five Articles, making all persons Ecclesiastick and Civill, of what title or degree soever, lyable to the triall and censure of Parliament, general Assembly, & other judicatories competent, anent the not administrating to ministers at their entry any other oath than that which is contained in the act of Parliament anent the subscribing and renewing the confession of faith, subscribed by his Majesties Father of blessed memory, and his household, in Anno 1580. and band following thereupon, anent the indiction of a generall Assembly, to be holden at Glasgow the 21. day of November 1638, and Parliament at Edinburgh the 15 of May, 1639. and anent his graecious goodnesse in forgetting and forgiving all by-gones, and indiction of a fast for craving of God's blessing to this Assembly; finde themselves so fully satisfied therewith, and the same to be so satisfactorie for removing all the fears of the subjects anent innovation of religion or laws, that we hold our selves bound in dutie, not only to acquiesce therewith, as the best mean to secure both religion and laws, but also to use our best endeavours, that all his Majesties good subjects may likewise rest satisfied therewith. And that they with us, and we with them, may testifie our thankfulness for so great a grace and goodnesse with all the hearty expressions of dutifullnesse and loyalty, and that our true sense hereof may the more clearly appear to our Sacred Sovereigne; We do by these humbly and heartily make offer of our lives and fortunes in the defending and assisting of his Majesties sacred person and authority; in the maintenance of the foresaid religion and confession, and repressing of all such as shall hereafter presse to disturbe the peace of this Kirk and Kingdome.

In wittesse whereof we have heartily and freely

subscribed these presents with our hands. At Halyrude-house the 22 day of September. 1638.

*Sic Subscribitur.*

HAMMILTOUN.

Traquaire, Roxburgh, Mairsheall, Mar, Murray, Linlithgow, Perth, Wigtoun, Kingorne, Tullibardin, Hadington, Annandail, Lauderdail, Kinoul, Dumfreis, Southesk, Belheaven, Angus, Lorne, Elphinstoun, Naper, Dalyell, Amont, J. Hay, S. Thomas Hope, S. W. Elphinstoun, Ja. Carmichael, J. Hammiltoun, Blackhall.

1638.—September 22.

71. *The Protestation of the Noblemen, Barons, Gentlemen, Burrowes, Ministers, and Commons, the 22. September 1638* [after the reading of the Proclamation dated September 9.]\*

Wee Noblemen, Barons, Gentlemen, Burgesses, Ministers, and Commons, his Majesties true and loyall subjects, That whereas our continuall supplications, complaints, articles, and informations, presented, first, to the Lords of his Majesties Privie Councell; next, to his sacred Majestie, and last, from time to time to his Majesties Commissioner, our long attendance and great patience this twelvemonth bygone, in waiting for satisfaction of our most just desires, our zeale to remove all rubs out of the way, which were either mentioned unto us, or could be conceived by us, as hinderances of our pious intentions, aiming at nothing but the good of the Kingdome, and preservation of the Kirk, which by consumption or combustion is likely to expire; delighting to use no other meanes but such as are legall, and have bene ordinarie in this Kirk since the reformation, and labouring according to our power and interesse, that all things might be carried in a peaceable manner, worthy of our Profession and Covenant, our Protestation containing a hearty thanksgiving for what his Majesty in his Proclamation from his justice had granted of our just desires, and our Protests and hopes for so much as was not as yet granted: All these made us confidently to expect from his Majesties royall and compassionate disposition towards this his native Kingdome, that a free Generall Assembly and Parliament should have bene indicted, as the ordinary and most proper remedies of our grievances, and did constraine us to renew our petition, earnestly intreating that his Majesties Commissioner would be pleased to represent unto his Majesty the condition of this Kirk and Kingdome, crying in an extreme exigencie for present help, with the lawfulness of the remedies prescribed by his Majesties Lawes, required by us, and presented to him in some partieular Articles, which his Grace promised to recommend to his Majestie, and to doe his best endeavours for obtaining the same; especially the first Article, that there might be indicted a full and free Generall Assembly, without prelimitation, either in the constitution and members thereof, in the order and manner of proceeding, or in the matters to be treated: And if there should be any question or doubt about one of these, or such like particulars, that the determination thereof might be remitted to the Assembly it selfe, as the only proper and competent Judge. And now, after so many supplications, complaints, articles, and informations; after our necessary protestation, expressing the humble thankfulness and continued desires of our hearts; after so long expectation, and so much dealing, having with open eares and attentive minds, heard his

\* Dr M'Crie's Collection of Pamphlets.

\* Large Declaration, p: 157.



Majesties Proclamation, It is our desire, purpose, and endeavour so to proceed, that we may upon the one part still be thankfull to God and the King for the least blinke of his Majesties countenance, and the smallest crums of comfort that fall unto us from his Majesties Royall hands; beseeching the Lord yet farther to enlarge his Majesties heart, for our full satisfaction and rejoicing, to the honour of God, the good of this Kirk and Kingdome, and his Majesties never dying fame and glory; that his wise government and zeale to the service of God may be a measure and patterne of desires to all generations hereafter, when they shall be wishing for a religious and righteous King: And on the other part, that Christ our Lord, the King of kings, through our neglect or luke-warmnesse may want no part of his Sovereignty and Dominiou, and that in our Religion, which is more dear unto us then our lives, we deceive not our selves with that which cannot satisfie and make up the breach of this Kirke and Kingdome, or remove our feares, doubts, and suspicions of the innovations of Religion: This hath made us to observe and perceive, that his Majesties Proclamation doth ascribe all the late distractions of this Kirke and Common-wealth to our conceived feares of the innovation of Religion and Law, as the cause and occasion thereof, and not to the innovations themselves, with which we have beene for a long time, and especially of late, heavily pressed and grieved; as if the cause were rather in apprehension and fancie, then in reality and substance. That the Service book and booke of Canons are not so far discharged by this Proclamation, as they have beene urged by preceding Proclamations; for this Proclamation onely dischargeth the practice of them, and rescinds the Acts made for establishing their Practice, but doth not rescind the former Proclamations, namely, that of the 19 of February at Stirling, and that of the fourth of July at Edinburgh, which give an high approbation to these Books, as fit meanes to maintaine Religion, and to beat down all superstition; and withall declares his Majesties purpose, to bring them into this Kirk in a faire and legall way: And thus both our feares that they may be introduced hereafter, must still remaine; and the libertie of the Generall Assembly by such a Declaration of his Majesties judgement, is not a little prejudged in the minds of so many as wisely consider and compare the preceding Proclamations with this which we now heare, although others who looking upon one step and not upon the whole progresse, run on rashly, and neither considering what they are doing, nor with whom they are dealing, may be easily deceived *Qui pauca videt, citò judicial*, a short sight maketh a sudden judgement.

That it is declared in this Proclamation, That his Majesty neither intendeth to innovate any thing in Religion or Lawes, or to admit of any change or alteration in the true Religion already established and professed in this Kingdome: and withall, this is interposed, That the articles of Pearth are established by the acts of Parliament and geuerall Assembly, and dispensation of the practice only granted, and discharge given, that no person be urged with the practice thereof; and consequently, his Majesties intention for the standing of the Acts of the Assembly and Parliament, appointing the Articles of Pearth, is manifest; which is no small prejudice to the freedome of the Generall Assembly, That while the Proclamation ordaineth all his Majesties subjects to be liable to the triall and censure of the judicatories competent, and that none of them shall use any unlimited and unwarranted power; likewise that no other oath be administred to Minis-

ters at their entrie, then that which is contained in the Act of Parliament; in both these Articles the Bishops are meaned, who are only thereby for the present curbed, against their exorbitancie and enormities in exercising their office: but the office of Bishops is thereby not only presupposed as unquestionable, but also so strongly established, that his Majestie declareth, for the present, his intention, to admit no innovatiou therein: which is more evident by the indiction of the Parliament, warning all Prelats to be present, as having voice and place in Parliament; and by the indiction of the Assembly, warning all Archbishops and Bishops (for so are their divers degrees and offices Ecclesiasticall here designed and supposed) to be present, as having place and voyce in the Assembly, contrary to the caveats, acts of the Kirk, and our declinator: And thus a third and great limitation is put upon the Generall Assembly. The Proclamation, by reason of these many reall limitations, and prejudices of the liberty of the Assembly in the very points which have wrought so much woe and disturbance in this Kirk and Kingdome, and wherein the liberty of the Assembly is most usefull and necessary at this time, can neither satisfie our grievances and complaints, nor remove our feares and doubts, nor cannot (without protestation) be admitted by us his Majesties subjects, who earnestly desire that Truth and Peace may be established; and that for the reasons following:—

1. To keepe silence in any thing that may serve for the good of the Kirk, whether it be in preaching, prayer, or in proposing and voyceing in a lawfull Assembly of the Kirke, is against the word of God. Esai. 62. 6. "Yee that are the Lords remembrancers, keepe not silence, and give him no rest till he establish, and till he make Jerusalem a praise in the earth." 1. King. 18. 21. "Like the halting of the people betweene two opinions, and their not answering a word, when the Lord called them to give a testimony." Act. 20. 20. "I have kepted backe nothing that was profitable unto you:" and againe 1 Cor. 12. 7. Mat. 15. 18. Rom. 1. 18. Revel. 2. 14. 20. and 3. 15: and therefore to keepe silence, or not to meddle with corruptions, whether in doctrine, sacraments, worship or discipline, in a generall Assembly of the Kirk, convened for that end, were the ready way to move the Lord to deny his Spirit unto us, and to provoke him to wrath against our proceedings, and might be imputed unto us for prejudice, for collusion, and for betraying our selves and the posterity.

2. This predetermination is against our supplications and protestations, wherein we have showne ourselves so earnest for a free generall Assembly, contrary to every limitation of this kind; so far prejudging the liberty thereof, is against the Confession of Faith registrated in the Parliament 1567, declaring that one cause of the Councils of the Kirk is for good policie and order to be observed in the Kirk, and for to change such things as men have devised when they rather foster superstition then edifie the Kirke, using the same; and is against our late Confession, wherein we have promised to forbear all novations till they be tryed, which obligeth us to forbear now, and to try them in an Assembly, and by all lawfull meanes to labour to recover the former purity and liberty of the Gospel, to which this limitation is directly repugnant, our liberty in a Generall Assembly being the principall of all lawfull meanes serving to that end.

3. This were directly contrary to the nature and ends of a generall assembly, which having authority from God, being convened according to the lawes



of the Kingdome, and receiving power from the whole collective body of the Kirke, for the good of Religion, and safety of the Kirke; whatsoever may conduce for these good ends in wisdom and modesty should be proponed, examined, and determined without Prelimitation, either of the matters to be treated, or of the liberty of the members thereof. It being manifest, that as farre as the assembly is limited in the matters to be treated, and in the members to be used, the necessary ends of the Assembly, and the supreme Law, which is the safety of the Kirke, are as far hindered, and pre-judged.

This limitation is against the Discipline of the Kirke, which Booke 2. chap. 7. declareth this to be one of her liberties, That the Assembly hath power to abrogate and abolish all Statutes and ordinances concerning Ecclesiasticall matters that are found noysome and unprofitable, and agree not with the time, or are abused by the people, and against the acts of the generall assembly. Like as the pretended Assembly 1610. declareth for the common affaires of the Kirk (without exception or limitation) it is necessary that there bee yearly generall Assemblies, And what order can be hoped for hereafter, if this assembly indicted after so long intermission, and so many grosse corruptions be limited, and that more than ever any lawfull Assembly of the Kirk was, when it was yearly observed.

5. It is ordained in Parl. 11. act 40. K. James 6. anent the necessary and lawfull forme of all Parliaments that nothing shall be done or commanded to be done, which may directly or indirectly pre-judge the liberty of free voicing or reasoning of the Estates, or any of them in time coming. It is also appointed in Parl. 6. act 92. K. James 6. that the Lords of Counsell and Session proceed in all civil causes intended or depending before them, or to be intended, to cause execute their decrees notwithstanding any private writing, charge, or command in the contrary, and generally by the acts of Parliament appointing every matter for its owne judicatorie, and to all judicatories their owne freedome. And therefore much more doth this liberty belong to the supreme judicatory ecclesiastick in matters so important as concerneth Gods honour and worship immediately, the salvation of the peoples Soules, and right constitution of the Kirk whose liberties and privileges are confirmed Parl. 12. K. James 6. Parl. 1. K. Charles, for if it be carefully provided by diverse Acts of Parliament, especially Parl. 12. act 148. King James 6. That there be no forstalling or regrating of things pertaining to this naturall life: What shall be thought of this spirituall forstalling and regrating which tendeth to the famishing or poysoning of the soules of the people both now and in the generations afterward.

6. It were contrary to our Protestations, proceedings and complaints against the late innovations. And it might be accounted an innovation and usurpation as grosse & dangerous to us, & the posterity, and as prejudiciall to Religion as any complained upon by us, to admit limitations, and secret or open determinations, which belongeth to no person or judicatory, but to an Assembly, Or to consent to, and approve by our silence the same predeterminations, It were to be guilty of that our selves, which we condemn in others. We may easily judge how the Apostles before the Councell of Jerusalem, the Fathers before the Nicene Councell, and our Predecessors before the assembly holden at the Reformation, and afterwards, would have taken such dealing.

That this Proclamation commandeth all his Ma-

jesties Subjects for maintenance of the Religion already established to subscribe and renew the Confession of Faith subscribed before in the year 1580 and afterward. And requireth the Lords of privy Counsell to take such course anent the same, and the generall Band of Maintenance of the true Religion, and the Kings person, that it may be subscribed, and renewed throughout the whole Kingdome with all possible diligence, which cannot now be performed by us. For although of late we would have been glad that our selves and other his Majesties Subjects had been commanded by authority to sweare, and subscribe the generall Confession of Faith against Popish errors, and superstitions: and now would be glad that all others should ioine with us in our late Covenant & Confession, descending more especially to the novations and errors of the time, and obliging us to the defence of Religion; and of the Kings Maiesties person, and authority, and for these ends to the mutuall defence every one of us of another, Yet can we not now after so necessary, and so sollemne a specification returne to the generall for the reasons following.

1. No means have been left unassayed against our late Confession of Faith and Covenant so sollemly sworn and subscribed. For first we were prest with the rendering and rescinding of our Covenant. Next an alteration in some substantiall points was urged. 3. A Declaration was motioned, which tended to the enervation thereof, and now we finde in the same strain, that we are put to a new triall, and the last mean is used more subtile than the former: That by this new subscription our late Covenant, and Confession may be quite absorbed and buried in oblivion, that where it was intended & sworn to be an everlasting Covenant never to be forgotten, it shall be never more remembered, the one shall be cryed up, and the other drowned in the noise thereof, And thus the new subscription now urged (although in a different way) shall prove equivalent to the rendering of the Covenant, or what of that kinde hath before been assayed. Like as the reasons against the rendring of the Covenant, doe militate directly against this new motion.

2. If we should now enter upon this new Subscription, we would think our selves guilty of mocking God, & taking his Name in vain, for the tears that began to be powred forth at the solemnizing of the Covenant are not yet dried up and wiped away, and the joyfull noise which then began to sound hath not yet ceased, and there can be no new necessity from us, and upon our part pretended for a ground of urging this new subscription, at first intended to be an abjuration of Popery upon us who are knowne to hate Popery with an unfained hatred, and have all this yeare bygone given large testimony of our zeale against it. As we are not to multiply miracles on Gods part, so ought we not to multiply sollemne oathes and Covenants upon our part, and thus to play with oathes, as children doe with their toyes, without necessity.

3. Neither would we in giving way to this new subscription think our selves free of perjury: for as we were driven by an undeclinable necessity to enter into a mutuall Covenant, so are we bound, not only by the law of God and nature, but by our sollemn oath and subscription, against all divisive motions to promove and observe the same without violation: and it is most manifest, that having already refused to render, alter, or destroy our Covenant, nothing can be more contrary and adverse to our pious intentions and sincere resolutions, than to consent to such a subscription and oath, as both in the intention of the urgers, and in the nature



and condition of the matter urged, is the ready way to extinguish, and to drowne in oblivion the Band of our union and conjunction that they be no more remembred. In this case we are called to lay seriously to our hearts, 1, That we have sworne that we shall neither directly, nor indirectly suffer our selves to be divided and withdrawne from this blessed and loyall conjunction, which consisteth not only in the generall Confession, but also in our explanation, & application thereof, but on the contrary, shal by all lawfull means, labour to further and promote the same. 2. That our union and conjunction may be observed without violation, (and so without mutilation of our application) we call the living LORD to witnesse, as we shall answer to Christ in the great Day, &c.

4. This new subscription, instead of performing our vows, would be a reall testimony and confession before the World, That we have been transgressours, in making rash vows, that we repent our selves of former zeal and forwardnesse against the particulars exprest first in our Supplications, Complaints, and Protestations, and next abjured in our Covenant, that we in our judgement prefer the generall Confession unto this, which necessarily was now made more speciall; and that we are now under the faire pretext and honest cover of a new oath, recanting & undoing that, which upon so mature deliberation we have been doing before. This beside all other evils, were to make way and open a door to the re-entry of the particulars abjured, and to repent our selves of our chiefest consolations, and to lie both against God and our owne soules.

5. It hath been often objected, that our Confession of Faith, & Covenant was unlawfull, because it wanted the warrants of publick authority, and it hath been answered by us, that we were not destitute of the warrant civill and ecclesiasticall which authorized the former Covenant. And although we could have wished that his Ma<sup>ty</sup> had added both his subscription & authority unto it, yet the lesse constraint from authority and the more liberty, the lesse hypocrisie, and more sincerity hath appeared: But by this new subscription urged by authority we both condemn our former subscription as unlawfull, because allcaded to be done without authority, and precondemn also the like laudable course in the like necessity to be taken by the posterity.

6. What is the use of merch-stones upon borders of Lands, the like use hath Confessions of Faith in the Kirk, to distermine and divide betwixt Truth and error: and the renewing and applying of Confessions of Faith to the present errors and corruptions, are not unlike ryding of merchies. And therefore to content our selves with the generall, and to return to it, from the particular application of the Confession necessarily made upon the invasion or creeping in of errors within the borders of the Kirk, if it be not a removing of the merch stone from its own place, it is at least the hiding of the merch in the ground that it be not seen, which at this time were very unseasonable for two causes. One is, because Popery is so pregnant, and powerful in this land, as we have learned of late. The other, because the Papists who upon the urging of the Service book & Canons, have presumed of our return to Rome, will upon this our subscription arise from their dispareing of us, unto their wonted presumption. None of us will deny, but the large Confession of Faith registrated in the Acts of Parliament, doth by consequence contain this short confession and abjuration: Yet were it not sufficient against Popery to subscribe the one without the other:

how then shall we think that the more generall Confession & abjuration at this time, when the urging of such Popish books hath extorted from us so necessary an application, and doth still call for a testimony, to be compleat enough without it.

7. The Papists shall hereby be occasioned to renew their old objection against us, *Annuas & menstruas files de Deo decernunt*, That our Faith changeth with the Moon, or once in the yeere. Other reformed Kirks might justly wonder at our inconstauey in changing our Confession without any reall necessity, and that in one and the same year it cometh forth larger, & more particular, then shorter, & more generall: & our Adversaries will not fail to traduce us as troublers of the peace of the kirk & kingdom without any necessar cause.

8. It will likewise prove a confirmation of their error, who think they may both subscribe the Confession of Faith, and receive the Service book, and Canons, which is not only a direct scandalizing of them, but also a ready way to put a weapon in their hands against our selves, who maintain and professe that these and such other evils are abjured in the Confessiou of Faith.

9. If we should now sweare this Confession, we should be obliged by our oath to maintain Perth articles, which are the innovatious already introduced in the worship of God, and to maintain Episcopacy, with the civill places, and power of Kirkmen. Because we are bound to swear this Confession by vertue of & conform unto the Kings command signed by his sacred Majesty of the date September 9. 1638. (These are the very words subioyned to the Confession and Band, and prefixed to the Subscriptions) and it cannot be denied, but any oath ministred unto us, must either be refused, or else taken according to the kuown mind, professed intention, and expresse command of Authority urging the same: And it is most manifest, that His Maiesties minde, intention, and Commandement, is no other, but that the Confession be sworne, for the maintenance of religion, as it is already or presently professed, (these two being coincident, altogether one and the same, not only in our common form of speaking, but in all His Maiesties Proclamations) and thus as it includeth, and couteineth within the compasse thereof, the foresaid novations and Episcopacy, which under that name were also ratified, in the first Parliament holden by his Majesty. And where it may be objected, that the Counsellors have subscribed the Confession of Faith, as it was professed 1580. and will not urge the Subscription in another sense upon the Subjects. We answer, First, the Act of Counsell containing that declaration, is not as yet published by Proclamation. Secoudly, if it were so published, it behooved of necessity either be repugnant to His Maiesties declared Iudgement and Command, which is more nor to sweare without warrant from Authority (a fault although unjustly, often objected unto us) or else we must affirme the Religion in the year 1580. and at this time to be altogether one and the same; and thus must acknowledge, that there is no novation of Religion, which were a formall contradiction to that we have sworne. 3. By approving the Proclamation anent the Oath to be administred to Ministers, according to the Act of Parliament, which is to sweare simple obedience to the Diocesan Bishop, and by warning all Archbishops and Bishops to be present; as having voice and place in the Assembly: They seem to determine, that in their Iudgement the Confession of Faith, as it was professed 1580. doth consist with Episcopacy, whereas We by our oath have referred the tryall of this or any



other question of that kinde to the generall Assembly & Parliament.

10. This subscription and oath in the mind & intention of authority, & consequently in our swearing thereof may consist with the corruptions of the Service book & Canons, which we have abjured as other heads of Popery: For both this present proclamation, and his Majesties former proclamations at Linlithgow, Striveling, Edenburgh; The Lords of privy Counsell in their approbation of the same; and the prelates and doctors who stand for the Service book & Canons, Doe all speak plainly, or import so much, That these bookes are not repugnant to the Confession of Faith; and that the introducing of them is no novation of religion or law: And therefore wee must either refuse to subscribe now, or we must confesse contrary to our late Oath, and to a cleare Truth, That the Service book and Canons are no innovations in Religion. And, though the present bookes be discharged by proclamation, yet if we shall by any deed of our own testifie, that they may consist with our Confession of Faith, within a very short time, either the same bookes, or some other like unto them, with some small change, may be obtruded upon us, who by our abiuration (if we adhere unto it) have freed both our selves, and the posterity of all such corruptions, and have laid a faire foundation for the pure worship of God in all time comming.

11. Although there be indeede no substantiall difference between that which We have subscribed, & the Confession subscribed 1580. more than there is between that which is hid, and that which is revealed; A march stoue hid in the ground, and uncovered, betwixt the hand closed and open, betwixt a sword sheathed and drawne, or betwixt the large Confession, registrat in the Acts of Parliament, and the short Confession, or (if we may with reuerence ascend yet higher) between the Old Testament & the New, yet as to sheath our sword when it should be drawn, were imprudency, or at the commandement of Princes, professedly Popish in their dominions, after the Subiects had subscribed both Confessions, to subscribe the first without the second, or at the will of a Jewish Magistrate, openly denying the New Testament, to subscribe the Old alone, after that they have subscribed both, were horrible impiety against God, and Treachery against the Truth: Right so, for Vs to subscribe the former a-part, as it is now urged and framed, without the explanation and application thereof at this time, when ours is reiected; and the subscribers of the former refse to subscribe ours, as containing something substantially different, and urge the former upon us, as different from ours, and not expressing the speciall abiuration of the euils, supplicated against by us, were nothing else, but to deny and part from our former subscription, if not formally, yet interpretatively. Old Eleazar, who would not seeme to eate forbidden meate, and the Confessors and Martyrs of old, who would not seeme by delivering some of their papers, to render the Bible, or to deny the Truth, may teach us our duty in this case, although our lives were in hazard for refusing this Subscription: And whoknoweth but the LORD may be calling His peoplenow, who have proceeded so far in professing His Truth at this time, to such Trials and Confessions, as His faithfull witnesses have given of old; that in this point also our doing may be a document both to the succeeding ages, and to other Kirks, to whom for the present we are made a spectacle.

12. If any be so forgetfull of his oath (which God forbid) as to subscribe this Confession, as it is now

urged, he doth according to the proclamation acquiesce in this declaration of his Majesties will, and doth accept of such a pardon as hath need to be ratified in Parliament, And thus doth turne our glory unto shame, by confessing our guiltinesse, where God from Heaven hath made us guiltlesse, and by the fire of His Spirit from Heaven hath accepted of our service, And doth depart from the commandement of God, the practise of the Godly in former times, and the worthy and laudable example of our worthy and religious progenitours, in obedience whereof, and conform to which, We made profession to subscribe: for there is no particular Act required of us, to whom the pardon is presented in this proclamation, but this new subscription allanerlie.

13. The generall band now urged to be subscribed, as it containeth many clauses not so fitting the present time as that wherein it was subscribed, so is it deficient in a point, at this time most necessary, Of the reformation of our lives, that we shall answerably to our profession, be examples to others, of all Godliness, sobernesse and righteousness and of every duty we owe to God and man, without which we cannot uow subscribe this Confession, least we loose the bands to wickednesse, seem to repent of our former resolutions and promises, and choose to have our portion with hypocrites, professing and swearing that we know God, but in our workes denying him, being abominable, disobedient, and unto every good work reprobate.

14. Since the narrative of the generall band is now changed, & some lines, expressing at length the Papists, and their adherents to be the partie from whom the danger to Religion, and the Kings Majestie was threatned, are left out, and no designation made of the partie from whom the danger is now threatned, We are made either to think, that our subscription at this time is unnecessarie, or to suspect that we who have supplicated and entred in Covenant, are understood to be the partie, especially since the Lords of Councell have in the Act Septemb. 22. ratifying the Proclamation, found themselves bound to use their best endeavours, that all his Majesties good subjects may rest satisfied with his Majesties Declaration, since also we have beene (although undeservedly) challenged of disorders, distractions, and dangers to Religion, and his Majesties authority; and since in the foresaid Act, and in the missive directed to his Majestie, the Lords of Councell offer their lives and fortunes to his Majestie, in repressing all such as shall hereafter prease to disturbe the peace of this Kirk and Kingdome; which being expressed in a generalitie is by many applied to us, and interpreted of our adhering to our Coveuant; We should therefore, by our subscription of the Covenant, as it is now conceived, both do directly against our owne minds in condemning our selves, wherein we are innocent, and should consent to our owne hurt, to the suppressing of the cause which we maintaine, and to the repressing mutually one of us of another, directly contrarie to our former solemne Oath and subscription.

15. The subscribing of this Confession by the Lords of His Majesties privie Councell, who by their place and high employment are publike Peacemakers, and by others who have not subscribed the late Confession, will make the breach wider, and the lamentable division of this Kirk more desperate then ever before, some having sworne to labour by all lawfull meanes to recover the former Libertie, and puritie of Religion, and others maintaining that for puritie, which is already established; Some beleaving and professing, that the



evils supplicated against, are abjured in that Confession of Faith, and others maintaining the Confession of Faith, and these corruptions (although for the present discharged by Authoritie) not to be inconsistent: and beside this, many divisions and subdivisions will ensue, to the dolefull renting of the Kirk and Kingdome, making way for the wrath and many judgements of God often threatned by his faithfull servants, which all the godly ought to labour by all meanes to prevent.

16. Wee represent also to the honourable Lords of privie Councell to be considered, That the Doctrine, Discipline, and Use of Sacraments are sworne, and the contrarie abjured, according to the Word of God, and the meaning of the Kirk of Scotland, in the Books of Discipline and Acts of Assemblies; And that in the Oath there is no place left to the generalitie of any mans conception of the true Faith and Religion, nor to any private interpretation, or mentall reservation.

For these and the like considerations, in our owne name, and in name of all who will adhere to the late Covenant, subscribed by Us, and sealed from Heaven, We (from our dutie to God, our King, our native Countrey, our selves, and the posteritie, lest our silence import a satisfaction of our desires, and a stopping of our mouths, from necessarie supplication, for things yet to be obtained from his Majesties just and gracious disposition), are constrained to declare and protest, First, That the cause and occasion of the distractions of the Kirk and common-wealth are no wayes to be imputed unto us, or our needlesse feares, but to the innovations and corruptions of Religion, which, against the acts and order of this Kirk, and the Lawes of the Kingdome, have beene pressed upon us the people of God, and his Majesties loyall Subjects; who, although under great thralldom, were living in peace and quietnesse, labouring in all godlinesse and honestie, to do our dutie to God and man. Secondly, We protest, that all questions and doubts that arise, concerning the freedome of the Assemblies, whether in the constitution and members thereof, or in the matters to be treated, or in the manner and order of proceeding, be remitted to the determination of the Assembly it selfe, as the onely proper and competent Judge, And that it shall be lawfull for us, being authorized with lawfull commissions, as at other times when the urgent necessitie of the Kirk shall require, so in this exigence to assemble our selves at the Diet appointed, notwithstanding any impediment or prorogation to the contrary. And being assembled, against all qualifications and predeterminations, or presupposals, to propone, treat, reason, vote, and conclude, according to the Word of God, Confession of Faith, and Acts of lawfull Assemblies, in all Ecclesiasticall matters pertaining to the Assembly, and tending to the advancement of the Kingdome of Christ and good of Religion.

Thirdly, since Archbishops and Bishops have no warrand for their office in this Kirk, since it is contrary both to reason and to the Acts of the Kirk, that any have place and voice in the Assembly, who are not authorized with lawfull Commissions; and seeing both in common equitie, and by the tenour of this Proclamation they are made lyable to the triall and censure of the Assembly, Wee protest, that they be not present, as having place or voice in the Assembly, but as *rei* to compeere, for underlaying tryall and censure upon the generall complaints already made, and the particular accusations to be given in against them; And that the warning given by His Majesties Proclamation, and this our Pro-

testation, bee a sufficient citation to them, to compeere before the Assembly, for their triall and censure in life, office, and benefice.

Fourthly, Wee solemnly protest that We do constantly adhere to our Oath and Subscription of the Confession of Faith and Covenant, lately renewed and approven, with rare and undeniable evidences from heaven, of the wonderfull workings of his Spirit, in the hearts both of Pastors and people, through all the parts of the Kingdome; And that we stand to all parts and clauses thereof, and particularly to the explanation and application, containing both our abjuration of, and our union against the particular evils and corruptions of the time; a dutie which the Lord at this time especially craveth at our hands.

Fifthly, We also Protest, that none of us who have Subscribed, and do adhere to our Subscription of the late Covenant, be charged, or urged, either to procure the subscriptions of others or to subscribe ourselves unto any other Confession or Covenant, containing any derogation therunto, especially that mentioned in the Proclamation, without the necessarie explanation and the application thereof already sworn by us for the reasons above expressed: And because, as we did in our former Protestation appeale from the Lords of His Majesties Councell, so do we now by these renew our solemne appeale, with all solemnities requisite, unto the next free Generall Assemblies and Parliameut, as the onely supreme nationall Judicatories competent, to judge of nationall causes and proceedings.

Sixthly, We protest, That no subscription, whether by the Lords of Councell or others, of the Confession mentioned in the Proclamation, and enjoined for the maintenance of Religion, as it is now already, or at this present time established and professed within this Kingdome, without any innovation of Religion or Law, be any manner of way prejudiciall to our Covenant, wherein we have sworn to forbear the practice of Novations already introduced, &c. till they be tryed in a free Assembly, And to labour by all lawfull meanes, to recover the puritie and libertie of the Gospel as it was established and professed before the foresaid Innovations: And in like manner, that no subscription foresaid be any derogation to the true and sound meaning of our worthy predecessours, at the time of their subscription in the yeer 1581. and afterward: Withall, warning and exhorting all men who lay to heart the cause of Religion, against the corruptions of the time & the present estate of things, both to subscribe the Covenant as it hath bin explained, & necessarily applied; and as they love the puritie and libertie of the Gospel, to hold back their hands from all other Covenants, till the Assembly now indicted be convened, & determine the present differences and divisions, & preserve this countrey from contrary oathes.

Seventhly, As his Majesties royall elemencie appeared in forgiving and forgetting what his Majestie conceiveth to be a disorder or done amisse in the proceeding of any; so are we very confident of his Majesties approbation, to the integrity of our hearts and peaceableness of our wayes and actions all this time past: And therefore We protest that we still adhere to our former complaints, protestations, lawfull meetings, proceedings, mutuall defences, &c. All which, as they have been in themselves lawfull, so were they to us, pressed with so many grievances in his Majesties absence from this native kingdome, most necessary, and ought to be regarded as good offices, and pertinent duties of faithfull Christians, loyall subjects, and sensible members of



this Kirk and Common-wealth, as we trust at all occasions to make manifest to all good men, especially to his sacred Majestie, for whose long and prosperous government, that we may live a peaceable and quiet life in all godlinesse and honesty, We earnestly pray.

WHEREUPON a noble Earle, James Earle of Montrose, &c., in name of the Noblemen; M. Alexander Gibson, younger of Durie, in name of the Barons; George Porterfield Merchant Burgesse of Glasgow, in name of the Burrows; M. Harie Rollock Minister at Edinburgh, in name of the Ministers: and M. Archbald Johnstoun Reader hereof, in name of all who adhere to the Confession of faith and Covenant lately renewed within this Kingdome, tooke instruments in the hands of three Notars present, at the said Mercate Crosse of Edinburgh, being invironed with great numbers of the foresaid Noblemen, Barons, Gentlemen, Burrows, Ministers, and Commons, before many hundred witnesses, and craved the extract thereof: And in token of their dutifull respect to his Majestie, confidence of the equitie of their cause, and innocencie of their carriage, and hope of his Majesties gracious acceptance they offered in all humilitie with submissee reverence a copie thereof to the Herauld.

1638.—September 24.

72. *Proclamation.\**

At Holy-rood-house the 24. day of September  
Anno 1638.

The which day a Noble Earle, James Marquesse of Hamiltoun, Earle of Arran and Cambridge, his Majesties Commissioner, having produced and exhibit before the Lords of secret Councell, upon the twenty-second day of this instant, a warrant signed by his Majestie, of the date the ninth of September instant; wherein among others of his Majesties gracious and royall expressious for preservation of the purity of Religion, and due obedience to his Majesties authoritie in the maintenance thereof, his Majestie did will and ordaine that the Lords themselves should sweare the Confession and generall Band mentioned in his Majesties said warrant, and also should take such order as all his Majesties lieges may subscribe the same. And the said Lords of secret Councell, acknowledging his Majesties pious and gracious disposition and affection to the purity of Gods truth, did upon the 22. day of September instant, unanimously and with all humble, hearty, and sincere affection, sweare and subscribe the Confession of Faith, dated the second of March 1580. according as it was then profest within this Kingdome: Together with the foresaid generall Band dated in Anno 1589. And now to the effect that all his Majesties lieges may give the like obedience to his Majesties so pious desire, therefore the said Lords have ordained and ordaines all his Majesties lieges, of whatsoever estate, degree or qualitie, Ecclesiasticall or Civill, to sweare and subscribe the said Confession, dated the second of March 1580. and that according to the said date and tenour thereof, as it was then profest within this Kingdome: Together with the said generall Band dated in Anno 1589. as they will answer at the contrarie upon their obedience. And ordaines Officers of Armes to passe to the market crosse of Edinburgh, and make publication hereof, and at all other places needfull, where-through none preteud ignorance of the same.

\* Large Declaration, p. 147.

1638.—September 30.

73. *Letter from the King to Hamilton.\**

HAMILTON,

I have no time now to make my observations upon your Proceedings, therefore now I shall onely tell you that I approve them all, (in what concerns your part of them;) and that not onely so, but that I esteem it to be very great Service (as the times are.) This much I thought necessary at this time to encourage you in your Proceedings: my next shall be longer, yet this is enough to assure you that I am

Your assured constant Friend,  
CHARLES R.

Hampton-Court,  
30 Sept. 1638.

1638.—October 1.

74. *Letter from the King to the Council.†*

Right trusty and right wel-beloved Cousin and Councellour, Right trusty and right well-beloved Cousins and Councellours, We greet you well: As by your Letter We finde how well you are satisfied with Our gracious pleasure, expressed in Our late Proclamation and Declaration; so We do expect the continuance of your care by your best indeavours, to bring al Our good people to a true sense of Our Royal intention, and reall care of preferring and advancing the good and peace of that Church and Kingdome, which hath always been and still is one of Our chiefest cares. We give you hearty thanks for your affection and pains in this service, and do approve of your course in subscribing of the Confession and band, and order taken by you for publishing and requiring the like due and thankfull acceptance of Our gracious pleasure by all Our good subjects. And seeing the time of the Assembly doth now approach, We require you to attend diligently upon our Commissioner, untill the time appointed for the down sitting of the said Assembly, and further, to the finall ending thereof; that from time to time you may be assisting to him with your best opinions and advices, for preparing and digesting every thing that may conduce to bring this businesse, to be treated upon in the Assembly, to the wished peaceable and happy end. And although We will not doubt but that all Our good subjects will be carefull of every thing that may concern Us, or Our Sovereign Authority; yet because that at such publick and generall meetings, it is not to be expected that all mens dispositions will bee alike, and of one temper, We require you, and that in a more particular manner, according to the trust and confidence We have in your affections to Our Service, carefully to advert, that if any proposition shall be made, which may seem to derogate from Sovereignty, or that true estate of Monarchicall Government already established within that Kingdome, or which may impede the peaceable conclusion of this Assembly, that as good subjects and faithfull Councellours and servants to Us, you assist Our Commissioner to withstand the same to the uttermost of your power: To whom We will you to give absolute trust in every thing which he in Our name shall deliver or impart to you, or any of you, in publick or in private, And so we bid you farwell. From Our Honour of Hampton Court the first of October, 1638.

\* Burnet, p. 81.

† Large Declaration, p. 233.



1638.—October 3.

75. *Letter from Lords Covenanters to Commissioner.\**

PLEASE YOUR GRACE,

Wee wer glade of the indiction of the anc asseu-  
bley, as the means to bring our complaints to ane  
end; and as wee promised for our part to doe our  
endenore, that all matters might be carried in a  
peaceable way, and no man troubled in any sorte  
till that tyme, so did wee certainlie expecte, that no  
violence or molestatione should haue beine wssed  
aganist aney of thosse quho had subscriued the last  
covenant; and zet, far contrarey to our expectation,  
are brought hither almost eurey houre griuous com-  
plaints from maney of the people in diuersse pairts  
of the kingdome; that they are by the thretninges  
and oppin violence of some statmen, and counsel-  
lers, and barrons, constrained to subseriue a confes-  
sion of faith and band; some with blind and doubt-  
ing myndes, and others aganist ther coneiences, to the  
grate trouble of ther soules, and grate disturbance of  
the peace of the countrey, contrarey to suche peace-  
able preparations as should haue proceedit a perfyte  
pacification at a generall assembly. If wee had  
hard bot some complaints of this kind, wee wold  
haue spared both your Graces paines and our auen;  
bot complaints being multiplied more and more,  
wee could not bot of deuty make some representa-  
tions therof to your Grace, that some coursse may  
be takin for present suppressing this so irreligious  
and vniust maner of doing; and for praeuenting the  
hard consequences that may ensew from people  
quho are thus pressed to subseriue aganist ther  
myndes, and from others who are ioneyed in coue-  
nant with them, wich, as it is humble petitioned, so  
it is confidently expected by,

Your Grace's humble seruants,

	Cassils,
	Louthean,
Lindesay,	Balmerino,
Loudoun,	Burlic,
Johuston:	

1638.—October 3.

76, 77, 78. *Answer thereto, and Correspondence.†*

MY VERY GOOD LORD,

I have received from your Lordsh: and other  
Noblemen a Letter, containing a complaint against  
the violence offered to divers of his Majesties sub-  
jects, by States-men, Councillours, and others; and  
that complaint aggravated by your promising and  
undertaking, for your selfe and all your adherents,  
that no man should be troubled until the Generall  
Assembly; and your just expectation that the same  
course should have beene held on the other side by  
Us.

For the former, I know not what States-men,  
Noblemen or Barons, your Lordsh: meanes; for  
naming none, I know not to whom I shall take my  
selfe; nor doe I know what violence and threat-  
nings you mean. If you meane his Majesties Com-  
missioners appointed by the King, they requiring  
his subjects to subscribe the old Confession and  
Covenant, by his authoritie now renewed, and re-  
monstrating unto them the danger they incurre by  
law in not obeying his Majesties commandement,  
I hope that cannot be called violence, but duty,  
the omission whereof must needs be a violation of,

and violence offered to his Majesties sacred autho-  
ritie: If other violences and threatnings they have  
used, as your Lordsh: seemeth to intimate (for their  
obedience to his Majesties just authority, I am  
sure your Lordsh: will not call violence) they must  
answer for it, and shall whensoever your Lordsh:  
shall make known the delinquents. But alas, my  
Lords, Tell me now in good earnest, whether you  
have heard they have used such violence in per-  
swading this Covenant, as hath beene used by your  
adherents in inforcing of yours? Hath the bloud  
of Gods seruants, his holy Ministers, beene shed,  
wich bloud I am afraid keepeth the vengeance of  
God still hanging over this Land? Have men beene  
beaten, turned out of their livings and maintenance,  
reviled and excommunicated in the Pulpits, and a  
thousand more outrages acted upon them for not  
subscribing this Covenant? Have none who have  
subscribed your Covenant, done it with blind and  
doubting minds? If they have, I beseech your  
Lordsh: not to call his Majesties Councillours legall  
proceedings irreligious and unjust, untill you have  
proved the pietie and justice of the proceedings of  
your owne adherents.

For the other, of your undertaking and promising  
for your parts, that no man should bee troubled till  
the Assembly, and expecting the like from us, truly  
I am glad I have it under your Lordships hands,  
for I think there are few houres of any one day,  
since the indicting of the Assemblies, that from all  
parts of this Kingdome, I am not vexed with com-  
plaints of new processing of Ministers, new with-  
holding of Ministers stipends unprocessed, heave  
complaints of Ministers of your owne Covenant, that  
they are threatened, and that sharply and bitterly,  
for their declaring of their griefe, in being barred of  
of their freedome in the election of their owne  
Commissioners to the Generall Assembly, and be-  
ing borne downe by the multitude of Lay voices,  
and menaced because of their protesting against the  
same, the complaints of Ministers Non-Covenanters  
and Lay-Elders Non-Covenanters, chosen by their  
Sessions to assist at the election of the Com-  
missioners from the Presbyteries, but turned back  
for not having subscribed your Covenant, and  
reviled with bitter words for being so pert as  
to come thither; Is this the performance of  
promising, that no man shall be troubled till the  
Assembly? These are, indeed, preparatious very  
unfit to precede this Assembly, they being so un-  
peaceable and like to take up much time, in discuss-  
ing, at that great Meeting, the illegality of these  
elections. My Lord, the truth is, I shall be as  
carefull to see any wrong offered by his Majesties  
Commissioners (in urging his Majesties authoritie)  
punished, when I shall know the offences and the  
offenders, as I am heartily grieved at the proceed-  
ings of your Associats: Here I am sure, his Ma-  
ties Commissioners have bin rather backward then for-  
ward, but so have not your Lordsh: adhereuts bin;  
for they have in very many places proclaimed your  
Protestation, where his Majesties Declaration hath  
not beene proclaimed. I hope your Lordsh: will  
pardon my unusuall prolixitie; for I confesse I am  
much troubled to see his Majesties good subjects  
led into such misconstructions of his pious and reli-  
gious intentions towards them, This my Letter, I  
pray your Lordsh: to communicate to the other  
Noble Lords, who subscribed that to me. To your  
selfe, and them, I pray your Lordsh: commend  
the true respects of

Your Lordsh:

HAMILTON.

For the Earle of Cassills.

\* Balfour, vol. ii., p. 295.

† Large Declaration, p. 193.



*Letter from the Lords Covenanters to the Commissioner.\**

PLEASE YOUR GRACE,

After your parting from us, we had knowledge from John Wilson Skipper, & sundry of his Passengers newly arrived, That, being at sea on his way from Holland hither, one of his Maties small ships of 3. Peeeces, came aboard & searched him for Armes & Ammunition, declaring they did the same by his Majesties Warrant. We doe not so much value the hazzard of any prejudice, as we are heartily grieved to find any such note of his Majesties displeasure, differencing us from his other subjects, when our own hearts and the Lord that searcheth them doth beare witness of our loyaltie and affection to his Majestie, especially to have found it now when we are made so secure, both by the hopes of obteyning from his Majesties favour, by your mediation, these ordinary and publike remedies that can fully settle this Church and State and by assurance from your Grace we should finde no such hard dealing, during the time of your employment amongst the subjects here, who trust in your care to prevent speedily the inconvenience of this, as you did in that other late particular anent the arrest of our horses in England. We thinke this advertisement sufficient to your Grace, who is wounded through our sides if wee suffer any thing in this time, being so farre interested to vindicate us from such prejudice, who doe acknowledge our selves to be

Your Graces humble  
servants.

Roths, Montrose, Home, Weymse, Lindesay,  
Boyd, Loudone, Balmerino, Dalhousie, Forrester,  
Elcho, Cranstouue, Balcarres, Burghly, Lothiane.  
Edinb. the 28. Septemb.  
1638.

*Answer to the foregoing, by the Commissioner.†*

MY LORD,

I have received a Letter this day signed by your Lordsh: and sundry other Noblemen, making mention, that one John Wilson Skipper, being on his way from Holland hither, was searched by one of his Majesties small ships. This is no new nor unaccustomed thing; for commonly the Captains of his Majesties ships during the time of being at sea, doe take notice what the loadings of all such ships are, as they meet with, who trade in the Channell; it being a prerogative that belongs to his Imperiall Crown: I am persuaded that your Lordsh: and the rest of my Lords cannot thinke, but if his Majestie had been desirous to have made stop of importation of Ammunition into this Kingdome this time past, but it would have been an easie matter for him to have effected; but so little hath he regarded this, as he hath not so much as taken notice of it: And yet it were no strange thing, if his Majestie should give direction to cause examine for what end so great store of Ammunition is imported into this Kingdome, and a little more narrowly to looke into our actions; when, by I know not whom, there hath been so much notice taken of such Ammunition, as his Majestie hath thought fit to send hither. For notwithstanding that your Lordsh: sayes we are made secure by the hopes of obtaining from his Majestie these remedies that can fully settle this Church and State, yet I may say courses are taken to put feares in his Majesties good subjects minds, by perswading of them that no such thing is in-

tended: This does too too manifestly appeare by the watching and guarding his Majesties Castle, and many other courses; but of this I will write nothing, my intention being only to returne answer of what is writ to me: And therefore for your Lordsh: satisfaction I shall acquaint his Majestie with the contents of your letters, who will no doubt give such directions therein, as his good subjects will have no just cause of complaint: Whereas you have been pleased to say, that you have been assured by me, that you should receive no such hard dealing, during the time of my imployment; let mee desire you to consider this aright, and you will find it none; for neither was that ship stayed from proceeding on their intended voyage, nor anything taken from them, nor needs your Lordsh: to doubt that his Majestie will doe any thing (except our owne indiscretion provoke him) that may make appear to the world that he makes a difference betwixt us of this nation and his other subjects. Bee confident, my Lord, that my endeavours have, and doe tend to no other end, but to the glory of God, the honour of his sacred Majestie, and the preserving from ruine this poore distracted Kingdome; and that I have and shall labour to prevent all such accidents as may breed the least stop or hinderance of this wished event, which I hope and am confident that your Lordsh: and all those noble Lords who have signed this Letter to me, will take the same to heart; and then certainly you will not be so easily moved with such light and sleight reports: Nor will your Lordsh: thinke that either you or I can bee wounded by the order and command of so pious, mercifull, and so clement a Prince as is our dread Sovereigne, who hath shovne himselfe to be so full of goodnesse, as we must of all men living prove the worst, if we be not thankfull to God, and him for it. This my letter your Lordsh: will be pleased to communicate to the rest who haue writ to me, and esteeme of me as

Hammilt. 24\* Sept. 1638. Your Lordships  
humble servant,  
For the Earle of Rothecs. HAMMILTOUN.

1638.—October 5.

*79. Explanation by the Bishop and Doctors of Aberdeen on signing the King's Covenant.†*

First, we do heartily abhor and condemn all Errours truly Popish, for repugnant to the Holy Scripture, and consequently to the Uniform Doctrine of the Reformed Kirks, and to Our National Confession registered in Parliament An. 1567.

Secondly, we do no ways hereby abjure or condemn Episcopal Government, as it was in the days, and after the days, of the Apostles in the Christian Kirk for many hundred of years, and is now conform thereto restored in the Kirk of Scotland.

Thirdly, we do not hereby condemn nor abjure the Five Perth Articles, or any thing lawful of that sort, which shall be found by the Church conducible at any time for good Policy and Order, or which is practised by any sound Reformed Kirk.

Fourthly, we still hold to that Clause of our great National Confession, (chap. 20. art. 21.) that the General Councils, and consequently the National Kirk of Scotland, have no power to make any perpetual Law which God before hath not made.

Fifthly, by the adhering to the Discipline of the Reformed Kirk of Scotland, we mean not any immutability of that Presbyterial Government which

\* Large Declaration, p. 200. † Ibid, p. 201.

\* Sic in copy.—Ed.

† Burnet, p. 36.



was An. 1581. or of any other Humane Institution: but we do hereby understand that the Ecclesiastical Jurisdiction and Discipline of the Kirk of Scotland doth not depend on the Pope of Rome, or any other Foreign Power; and hereby we do confess our constant Obedience to the Kirk of Scotland in all her lawful Constitutions.

Sixthly, we do not presume by this our personal Oath either to prejudge the liberty of the Kirk of Scotland, to change and reform this foresaid short Confession, in some ambiguities and obscure expressions thereof, whereupon some men have builded inconvenient Interpretations and Doctrines, or to exime our selves from Obedience to the Kirk in that case.

Seventhly, by this our personal Oath we do not take upon us to lay any further Boud upon our Posterity, than the Word of God doth, recommending onely our Example to them, so far as they shall find it agreeable to Gods Word.

In this sense as is said, and not otherwise, do we subscribe the said Confession, and the general Bond annexed thereto, at Aberdeen Octob. 5. 1638.

Signed,

Ad. Aberdonen.

John Forbes D. and P. of Div.

R. Barrone D. and P. of Div.

Al. Rosse D.D.

Ja. Sibbald D.D.

Al. Serogie D.D.

Wil. Lesley D.D.

1638.—October 9.

80. *Letter from the King to Hamilton.\**

HAMILTON,

I Confess this last Dispatch does more put me to seek how to judge of the Affairs of that Kingdom, than any that I have yet received; for I did not think that you would have met with so much opposition within your bounds, since (as I thought) you past well over a greater difficulty, to wit, the Peevishness of the Council. The cause of this I judge to be, that you did not make so much opposition against the Protestation as it deserved, though (I believe) as much as you could. But one thing I desire you to send me the reason of, which is, why you have mingled the Protesters with my good Subjects, as Commissioners in most of all the Shires, for the proeuring of Subscriptions to my Bond: now it seems to me, that this will make the Covenanters oppose my Service with a shew of more Authority than otherwise they could, (and certainly you cannot but imagine, that they must oppose that that they have protested against;) for, by this the ignorant Multitude may be brought to believe, that my Council have either admitted, or, at least, do not gainsay, the protestation: yet whether I be right in this or not, I will suspend my Judgment, even of my own Opiniou, until I hear from you. But one thing I will confidently affirm, that until most of the Council express themselves vigorously in detestation of this last damnable Protestation, never look for any Obedience there. In the latter end of your letter, you are very careful not to give them cause of Fears of my Preparations, or hindering theirs; yet in the middle persuade to hasten on Mine: now, besides that this seems to me a Contradiction I think that there is as much (if not more) danger now, that they should imagine I fear to displease them, than to make them scar at my Preparations,

\* Burnet, p. 84.

or for stopping of theirs; for now that the pretext of Religion is (I dare say) fully satisfied, fearful Proceeding now may hazard the loss of the little Party we have, by making them probably fear, that I either cannot or dare not maintain my own authority. But I doubt not your Dexterity and Diligence will help me to break through these difficulties; and so I rest

Your assured constant Friend,  
CHARLES R.

Hampton-Court,  
9 Octob. 1638.

1638.—October 20.

81. *Letter from the King to Hamilton.\**

HAMILTON,

I see by yours of the 27<sup>th</sup> of September, that the Malignity of the Covenanters is greater than ever, so that if you who are my true Servants do not use extraordinary Care and Industry, my Affairs in that Kingdom are likely rather to grow worse than better: therefore, you that do your endeavours accordingly deserve the more praise, and your opposers the more punishment; and in my mind this last Protestation deserves more than any thing yet they have done, for if raising of Sedition be Treason, this can be judged no less. And methinks, if the Colledge of Justice have signed my Covenant, (which I hope they have, because I hear nothing in the contrary) it were no impossible thing to get them to doe me Justice in this particular. And this I will say confidently, that until at least the Adherers to this last Protestation be declared Traitors, nothing will go as it ought in that Kingdom; I say this not to alter your course, but onely to shew you my opinion of the State of Affairs.

As for the danger that Episcopall Government is in, I do not hold it so much as you doe; for I believe that the number of those that are against Episcopacy (who are not in their hearts against Monarchy) is not so considerable as you take it.

And for this General Assembly, though I can expect no good from it, yet I hope you may hinder much of the ill; first, by putting Divisions among them concerning the Legality of their Elections, then by Protestations against their Tumultuous Proceedings. And I think it were not amiss if you could get their Freedom defined (before their Meeting,) so that it were not doe too much in their Favours. And I hope you will remember to weigh well the Propositions for the Assembly, and send them up to me with all convenient speed. I have seconded your Letter to the Mayor of Newcastle for the freeing of these Horses, and have stopped all Provisions according to your advice at Hull; yet methinks now they may be avowed to go against those that will not rest satisfied with what you have lately done in my Name. But in this I assure you that I take your advice; and so I rest

Your assured constant Friend,  
CHARLES R.

Hampton-Court,  
20. Octob. 1638.

1638.—October 24.

82. *Letter from the King to Hamilton.†*

HAMILTON,

I would not answer your two of the 14<sup>th</sup> and 15<sup>th</sup> of this moneth, till I had fully dispatched the Bishop of Ross, whom I have sent away not onely

\* Burnet, p. 82.

† Ibid, p. 90.



well instructed, but well satisfied with my ways. It is true that his Instructions were not totally according to our Grounds, but I made him alter (I am confident) as well in Judgment as Obedience; for upon discourse he much approved of my Alterations, confessing likewise, that you upon the place may find reason to make more; wherefore all is referred to you, as well what I answered as what not; so leaving and recommending him to your care, I come to answer your last Letters, with the account of which I am much more satisfied than your other Dispatch before: as likewise you have fully satisfied me in all my Queries, and in particular I confess clearly, you had reason to joyn the Covenanters with my honest Servants, for procuring of Subscriptions to my Bond, because I see the Council would have it so. But certainly it had been better otherwise, if you could have done it with their consent. In short, I am truly and fully satisfied with all your proceedings, so that you may be confident that I am

Your assured constant Friend,  
CHARLES R.

Whitehall,  
24 Octob. 1638.

1638.—October 24.

83. *The Bill, or the complaint, of the Noblemen, Barons, Burgesses, Ministers, and Commons, Covenanters, (which were not Commissioners to the Assembly) against the pretended Archbishops and Bishops within this kingdome, as it was presented to the Presbyterie of Edinburgh; with an Act of reference of the Bill, from the Presbyterie to the next Generall Assembly, as it was fully read on the Lords day before noone in all the Churches within the presbyterie of Edinburgh, according to the Act.\**

Noblemen.

Unto your wisdomes humbly shewes and complaines, We John Earle of Sutherland, John Earle of Athole, William Earle of Dalhousie, Mungo Vicount of Stormouth, Hugh Lord Montgomerie, David Lord Elcho, George Lord Forrester, Arthur Lord Forbesse, John Master of Berridale, Robert Lord Boyd, David Lord Balcarras, John Lord Melvill.

Barons and Gentlemen.

Craggemillar, Lugtoun, Buchanan, Young, Dury, Balgonny, Balbirny, Master William Hammilton, Thomas Cragge of Ricarton, John Cowper of Gogar, John Hammilton of Boghall, David Inglis of Ingliston, John Dundas of Newliston, Sir William Cockburne of Langton, Patriek Cockburne of Clerkinton, John Leslie of Newton, Colonel Alexander Leslie, David Barelay of Onwerme, Sir Michael Arnot of Arnot, Sir Michael Balfoure of Deanemille, John Aiton of Aiton, David Beaton of Balfoure, John Lundie of Lundie, Walter Murray of Liviston, Sir John Preston of Airdrie, Walter Cornwall of Bonhard, William Scot of Ardrosse, Robert Forbesse of Ricesse, Sir Andrew Murray of Balvarde, George Dundasse of Dudistone, Sir William Murray of Blebo, Master Robert Preston, William Dickson.

Ministers.

Master William Scot Minister at Cowper, Master George Hammiltoun at Nuburne, Master Walter Grog at Balmerino, Master John Machgil Par-

son of Fliske, Master Andrew Blackhat at Aberlady.

Burgesses and Commons.

George Bruce of Carnoek, George Potterfield a Burgesse of Glasgow, John Smith, John Mill, Lawrence Henryson, Richard Maxwell, Burgesses of Edinburgh.

We, for our selves, and in name and behalfe of the rest of the Noblemen, Barons, Gentlemen, Burgesses, Ministers, and Commons within this Realme of Scotland, subscribers of the Covenant, who are not chosen Commissioners to the Generall Assemblie, but who will assist and insist in this complaint with us, as faithfull Christians, as loyall subjects, and sensible members of this Church and Common-weale, having interest to pursue this popular action, in a speciall manner and an eminent degree, by which pursnit God may bee glorified, Christs Kingdome advanced, that the Church may bee restored to her privileges and liberties, and freed from manifold seandals, from the corrupters of Doetrine with Poperie and Arminianisme, of the Sacraments with Superstition and Wilworship, and of the Discipline with tyrannie, and from the overthrowers of the peace of this Church and Kingdome by their usurpations and lies, their violent humours, and falsehood for their owne worldly ends, may be tried and censured accordingly, and so this Church and State made free from the present divisions and combustions, and restored to peace and unitie, both with God and amongst themselves, and that his Majesties religious disposition and honour may be cleared to all the world, by the triall and censure of those men who have fraudulently abused his Majesties name and authoritie by their trust and credit with his Majestie: Wee most earnestly make request, That whereas, by the Lawes of this Church and Kingdome, and by his Majesties last Proclamation, all his Majesties subjects, whether Ecclesiasticall or Civill, of whatsoever title or degree, if they have exercised an unlimited or unwarrantable power, They are declared and ordained to be liable to the triall and censure of the Generall Assemblie and Parliament, or to any other Judicatorie, according to the nature and qualitie of the offence, And whereas Master David Lyndsey pretended Bishop of Edinburgh, Master Thomas Sydserfe, pretended Bishop of Galloway, Master Walter Whitefoord pretended Bishop of Brien, Master James Wedderburne pretended Bishop of Dumblane, Master James Fairley pretended Bishop of Argyle, Master John Spotswood pretended Archbishop of Saint Andrewes, (having their residences or dwelling places within the bounds of this Presbyterie of Edinburgh,) Master Patrick Lyndsey pretended Archbishop of Glasgow, Master Alexander Lyndsey pretended Bishop of Dunkell, Master Adam Baunatine pretended Bishop of Aberdene, Master John Guthrie pretended Bishop of Murray, Master John Maxwell pretended Bishop of Rosse, Master George Greme pretended Bishop of Orkney, Master John Abernethie pretended Bishop of Caithnesse, Master Neil Campbel pretended Bishop of the Isles, should be tried and censured for their unlimited and unwarranted power.

For whereas it was provided in the Cautions agreed upon in the Generall Assemblie holden at Montrose, Anno 1600. for bounding of the Ministers votes in Parliament, and concluded to bee inserted in the body of the act of Parliament for confirmation of this vote as a most necessarie and substantiall point of the same, which was never yet repealed by a lawfull Assembly, That the Minister

\* Large Declaration, p. 209.



should sweare, upon his admission to the office of Commissionary, to subscribe and fulfill the Cautions agreed upon under the penalties expressed therein, otherwise hee was not be admitted; yet the said Master David Lyndsey, sometimes Minister of Brichen, now pretended Bishop of this Diocesse of Edinburgh, and pretended Moderator of this Presbyterie, with his foresaid Colleagues, the pretended Bishops and Archbishops of this Church respective, have taken upon them (without craving or obtaining Commission from the Church as it is set downe in that Assembly at Montrose) the office and power to vote in Parliament, without swearing at his or their entrances to subscribe and fulfill those Cautions which are set down under penalties.

In the first Caution it was provided, that he presume not to propound in Parliament, in Councill or convention, any thing in the name of the Church without an expresse warrant or direction from the Church, under the paine of deposition from his office; and that hee should neither give consent unto, nor keep silence from anything (amidst these meetings) that might bee prejudiciall to the libertie of the Church, under the said paine.

But the forenamed Master David Lyndsey, pretended Bishop of Edinburgh, with the rest of his Colleagues respective above named, have presumed (having no warrant nor direction from the Church) to propound in Parliament, and to consent to severall acts which have past in Parliament, to the prejudice of the Church, as namely, To the act concerning the Restitution of the State of Bishops, Anno 1606. the act concerning the chapter of Saint Andrewes, Anno 1607. To the act of Commissariots and jurisdictions given to Archbishops and Bishops, Anno 1609. To the ratification of the act agreed upon in the Assemblie of Glasgow Anno 1610. with an explanation, contrary to the meaning and tenour of the said conclusions, Anno 1612. To the acts concerning the Elections of Archbishops and Bishops, and to the acts concerning the Restitution of chapters, Anno 1617. To the ratification of the Five Articles of Perth, Anno 1621. To the act concerning the apparell of Churchmen, and to the ratification of the Acts concerning Religion, in which all the former Acts are included, Ann. 1633. and to many other severall acts of this kinde. In like manner he propounded and gave consent to severall acts of the Privy Councill, for the establishing of it, and of the power of the High Commission, which are against the lawes and liberties of this kingdome; and for ratification of severall acts and sentences given out by them and their Colleagues in that unwarrantable Judicatory: for in the same manner did he propound and consent unto the acts made in the Privie Councill for pressing and bringing in of the Service Booke, which would have trod under foot the frame of Gods publicke worship in this Kingdome, if the Lord had not prevented it. And further, in the last convention of the States holden in the yeeres 1625. and 1629. he did not onely keep silence, but propound and give consent to some things which were prejudiciall to the liberties of this Church, and hee did oppose himselfe to the just desires and grievances which were presented in name of the Church for some of her liberties and priviledges, whereas it was provided that he shall be bound upon each generall Assembly to give an account of the discharge of his Commission since the Assembly going before, and should submit himselfe to the censure of the Assembly, and stand to the determinations of it without further Appeale, and should sue for, and obtain ratification of his carriage

from the Assembly, under the paine of infamie and excommunication; but the said Master David Lyndsey, and his Colleagues respective abovenamed, have never given an account of the discharge of his or their Commissions, nor sought nor have obtained ratification of his or their doings, from the Assembly.

Whereas it was provided in the third caution, that he should content himselfe with that portion of the Benefice which should be assigned to him from his Majestie for his livelihood, not hurting or prejudging the rest of the Ministers, or any Minister whatsoever, planted or to bee planted within his Benefice, and that this clause was to be inserted in his provision: Besides, when Bishops were charged in the Assembly holden in Octob. Ann. 1578. to quit the corruptions of that State, there was numbered amongst the corruptions, That they received for the maintaining of their ambition and riot, the emoluments of the Church, which might sustaine many Pastors, the Schooles, and the Poor; but the said Master David Lyndsey with his Colleagues respective, have tooke provision for their Benefices, and the foresaid clause was not inserted, and he and they have prejudged Ministers, Schooles, and the Poor, by taking and enjoying plurality of Benefices.

Whereas it was provided in the fourth caution that hee should not dilapidate nor make a disposition of his Benefice without the consent of his Majestie and the generall Assembly: and for the greater warrant of this, That he should interdict himselfe to the generall Assembly not to dilapidate, nor to give consent to the dilapidation of his Benefice made by others, and that hee should be contented that an Inhibition should be raised upon him to that purpose; but the said Master David Lyndsey, with his Colleagues respective, have set, and take settled patronages.

Whereas in the fifth caution it is provided that hee should be bound to attend his particular Congregation faithfully in all the points of a Pastour, and that he shall be subject to the triall and censure of his own Presbyteric and Provinciaall Assemblie, as another Minister that bears no Commission: In like manner by divers Acts and Constitutions of the generall Assemblies and Presbyteries, non-residents are punishable by deprivation; Yet the said Master David Lindsey with his foresaid Colleagues respective, have been non-resident from his and their charges for many yeares; nor have they performed the duties of Pastours by preaching, administration of the Sacraments, visiting the sick, &c. but they have deserted their charges by the space now of many years; neither have they in this subjected themselves to the triall of the Presbyteries and Provinciaall Assemblies.

That whereas in the sixth caution it was provided, That in the administration of Discipline, collation of benefices, visitation, and all other points of Ecclesiastical government, hee shall neither usurp nor acclaime to himselfe a power or jurisdiction further over the rest of his brethren, under the paine of deprivation: and in case hee did usurp upon the Ecclesiasticall government, if the Synodall Presbyteries, or generall Assemblies did oppose, or make impediment unto him; whatsoever he did in that case should be *ipso facto* null, without a declaratory; yet the said Master David Lindsey with his Colleagues respective, have usurped a jurisdiction in the administration of Discipline, collation of benefices, visitation, and other points of Ecclesiasticall government, without a lawfull warrant from the Church, in exercising power to suspend, de-



prive, command, and inhibit excommunication at their pleasure, to fine, confine, imprison, banish Ministers and other professors without the warrant of the laws of the Countrey, appointing their Moderators over Presbyteries and Synods, prorogating their Diets, staying their proceedings against Papists, Sorcerers, Adulterers, and other grosse offenders, by exacting of contributions to such Commissioners as hee pleased to send to Court for his owne and his Colleagues affaires; by depriving, and ordaining of Ministers, not only without the consent of the Presbyteries and Synods, but by ordaining of scandalous and unqualified Ministers and depriving of learned and religious Pastours; by ordaining Ministers after a forme not allowed of in this Church; by silencing Ministers for not reading the Service Book, and Book of Canons; by interdicting after a Popish manner, the exercises of Morning and Evening prayer in their Churches; by releasing of excommunicated Papists: by contradicting and crossing the votes of the Presbyteries at their pleasure; by their pretended negative vote directly contrary to this caution; by enacting decrees of Synods without demanding their votes; by changing and falsifying their Acts, when most votes had carried the contrary: by many wayes have they failed in this caution, which are so notorious to the whole Church and to your Wisdomes, that wee shall condescend upon the same when wee are required.

Whereas in the seventh caution it was provided, That in Presbyteries, and in Provinceall and generall Assemblies, he shall behave himself in all things, as one of the brethren of the Presbyterie, and be subject to their censure; yet the foresaid Master David Lindsey with his foresaid Colleagues respective, hath not behaved himselfe as a brother at these meetings; he disdaines to sit in Presbyteries, or to be subject to their censures; he sitteth and overruleth in Provinceall Assemblies rather as a Lord then a Moderatour; and instead of behaving himself as a brother in the generall Assemblies, hath, by threatening and silencing, prejudged the liberties of the lawfull Commissioners; when they propounded, reasoned or coneluded matters conducing to the liberty of the Church, hee forced them to conelude things contrarie.

That whereas it was coneluded at Mount Rose, That none of them who should have vote in Parliament should come Commissioners to the generall Assemblies, or have vote in it in time to come, unlesse they had authoritie or Commission from their owne Presbyteries for that purpose; yet the said Master David Lindsey with his foresaid Colleagues respective, though they had no authoritie by Commission from any Presbyteries, have usurped to give votes in the last pretended Assemblies.

Whereas in the seventh chap. of the book of Policie, registered in the Register of the Acts of the Assembly, it was coneluded, That in all Assemblies a Moderatour should be chosen by common consent of the whole brethren assembled together, and it hath been so practised since the beginning of the Reformation, till hee and his fellowes began to break the Cautions; yet the said Master David Lindsey with his foresaid Colleagues respective, have usurped the place of moderation in the last pretended Assemblies, and rather domineered then moderated, to bring in novations; yea further, have directed Mandats from themselves as from the representative Church of Scotland, which name and power is only competent to generall Assemblies; he hath brought in the practice of many Innovations in the Royal Chappel, in the Abbey Church, and his

pretended Cathedrall; hee hath laboured not only to hinder the ordinarie meetings of generall Assemblies of this Church, by obtaining letters and charge from Authority to that purpose, but also hath laboured, what in him lay, to take away from the Church the priviledge of holding generall Assemblies yeerly, belonging to Her by the Word of God, Acts of this Church, and lawes of this Kingdome.

Whereas it is provided by another caution, That *Crimen ambitus* shall be a sufficient cause of deprivation of him that shall have vote in Parliament; yet the said Master David Lindsey with his foresaid Colleagues respective, are guilty of the said crime, in seeking of the said offices, and promising and giving good deeds for them.

Whereas it was provided by the book of Discipline, and acts of the Assemblies Feb. An. 1569. and December 1565. & 1567. that marriage should not be solemnized without asking of banes three severall Sabbath daies before; yet the said Master David Lindsey and his aforesaid Colleagues respective, have given licence to sundry Ministers to solemnize marriage without asking three severall Sabbaths before; upon which have followed divers inconveniences; a man hath been married to a woman her husband being alive, and they not divorced; some have been married to persons with whom they have committed adulterie before; and so have been married without the consent or knowledge of their parents.

Whereas by the book of Fasting, authorized by the generall Assembly, and prefixed before the Psalmes, no set or yeerly Fasts are allowed, but disallowed, as contrary to the liberty of the Church, and to the nature of the exercise (a Fast;) yet the said Master David Lindsey and his foresaid Colleagues respective, have appointed yeerly Fasts, and troubled some godly Professors for not observing the same.

Whereas the office of a Deacon is set forth in the book of Discipline, and book of common order before the Psalmes, according to the Word of God, to have no meddling with the preaching of the Word, or the ministration of the Sacraments, and by the first Confession of faith ratified in the Acts of Parliament, chap. 23. Ministers called unto particular flocks have onely power of the ministration of the Sacraments; yet the said Master David Lindsey with his foresaid Colleagues respective, have given a power to certain Divines whom they make Deacons (men not admitted to the calling of the Ministry) to administer the Sacrament of Baptisme, under the names and titles of preaching Deacons, and they refuse to admit divers men to the calling of the Ministerie before they be admitted to that Order.

Whereas it is ordained by the book of Policie, and Acts of the Assembly, that no man should receive ordination to the Ministry without a present admission to a particular flock; yet the said Master David Lindsey with his foresaid Colleagues respective, have separated the act of Ordination from the act of Admission.

Whereas according to the established order of the Church, & the Acts of the Assembly, the ordination & admission of Ministers should be publick, in the presence and with the consent of the congregation; yet the said Master David Lindsey with his foresaid Colleagues respective, have given ordination to some men in other places, not in their own Congregation; and violently have thrust upon them scandalous Ministers.

Whereas Ministers who teach erroneous and corrupt doctrine should be censured by the book of



Discipline, and by the Acts of the Assemblie; yet the said Mr David Lindsey with his foresaid Colleagues respective, have taught erroneous and corrupt doctrine themselves, and by their pretended power have preferred to the Ministerie men who have taught erroneous doctrine against the Confession of Faith, and Acts of Parliament quoted in our Covenant; and they cherish and maintaine them who teach Arminianisme and Popery, as conditionall Election; Free-will; resistibilitie of effectuall Grace; The universality of Christs death; The merit of it in heaven & in hell; A finall apostacie of the Saints; The locall descent of Christ into hell; That Christ came into the world *clauso Virginis utero*; auricular Confession, and Papall absolution; That the Pope is not Antichrist; That the Church of Rome is a true Church; That reconciliation with Rome is a thing easie; That the Church of Rome erres not in fuudamentals; and that she differs not in fundamentals from the Reformed Churches; They call in question the imputation of Christs righteousness, and they affirme the formall cause of justifying faith, to consist in our inherent righteousness; They affirme that there is a locall and circumscriptive presence of Christ in the Sacrament, and they change the Sacrament into a Sacrifice, and the Table into an Altar, the Ministers into Priests. There are other damnable and hereticall points of Doctrine which they maintaine; of which we shall give particular information in our particular accusation of each one of them respective, with the proofes thereof, when we shall be required.

Whereas by the Acts of the Church, no oaths or subscriptions should be required from those who enter into the Ministerie, but to the Confession of faith, and to the Book of Policy; yet the said Master David Lindsey with his foresaid Colleagues respective, without a warrant from the Church or Parliament, doe exact diverse oathes and subscriptions from them who enter into the Ministerie; namely, That they should bothin publick and private prayers commend the Prelats to Gods mercifull protection; That they should be subject to the orders which were now in the Church, or, by the consent of the Church, that is, by their consent (as they affirme) should be established; as to the Service Book, and to the Book of Canons. The heaviness of this grievance made the most part of his Majesties subjects to complaine in these Articles, that worthy men which have testimonies of their learning from Universities, and are tryed by Presbyteries to be fit for the worke of the Ministerie, and for their gifts and lives were much desired by the people; yet these men are kept out because they could not be perswaded to subscribe and swear unto such unlawfull oaths, which have no warrant from the Acts of the Church, nor the laws of the Kingdome; and they were Articles and oaths conceived according to their pleasure; and men of little worth, and ready to sweare, were for by-respects thrust upon the people, and admitted to the most eminent places of the Church, and of the Schools in Divinity, which breeds continuall complaints, and moves the people to run from their owne parish Churches, refusing to receive the Sacrament from the hands of Ministers set over them against their hearts, which makes them not to render unto them that honour which is due from the people to their Pastours; and it is a mighty hinderance to the Gospel, to the soules of the people, and to the peace of this Church and Kingdome.

Whereas in the Assembly holden at Edinburgh, in March, ann. 1578. it was declared that it was neither agreeable to the word of God, nor to the

practice of the Primitive Church, that the Administration of the Word and Sacraments, and the ministration of civill and criminall justice should be confounded, that one person could supply both the charges, but that a Minister should not be both a Minister and a Senator in the Colledge of justice. And in the Assembly holden in October An. 1578. it was reckoned amongst the corruptions of the State of Bishops, which they were charged to forgoe, that they should usurp a criminall jurisdiction, that they should not claime unto themselves the titles of Lords, that they should onely be called by their owne names, or brethren; yet the said Master David Lyndsey, with his foresaid Colleagues respective, have assumed to themselves the titles and honours of Lords, they did sit as Senators in the Colledge of justice, as Councillours in the Privie Councell, as Auditors in the Exchequer, and have enjoyed prime Offices of State. The pretended Bishops have usurped the place and precedencie before all Temporall Lords, the pretended Archbishops before all the noble Earles of the land, and the pretended Primate before the prime Officers of State in the land.

Whereas by the Word of God and Acts of the Assembly, namely, Anno 1576. 1577. and 1578. no man should be suffered to be a Minister, unlesse hee be tied to a particular flocke and congregation; and not to be tied to a particular flocke it is condemned as a corruption of the state of Bishops which they were charged to forgoe; yet the said Master David Lindsey, with his Colleagues respective foresaid, are Ministers, and will not be tied to particular flockes.

Whereas the office of a Bishop (as it is now used within this Realme) was condemned by the booke of policie, and by the Act of the Assembly holden at Dundee, Anno 1580. whereof these are the words; Forasmuch as the office of a Bishop (as it is now used and commonly taken within this Realme) hath no sure warrant from authoritie, nor good ground out of the Scriptures, but it is brought in by the folly and corruptions of the inventions of men, to the great hurt of the Church, The whole Assembly of this Church, with one voice, after liberty given to all men to reason in the said matter (no man opposing himself to maintain the said pretended office) doe find and declare the said pretended office, used and termed as is above said, unlawfull in it selfe, as having neither ground nor warrant within the Word of God; and we doe ordaine that all such persons which doe, or shall hereafter, enjoy the said office, shall be charged simply to dismisse, quit, and leave the same, as an office unto which they were not called by God; and that they shall leave off all preaching, ministration of the Sacraments, or other offices of Pastors, untill such time as they receive admission *de novo* from the generall Assembly, under the paine of excommunication to be used against them; and if they be found disobedient to contradict this Act in the least point, after due admonition, the sentence of excommunication shall be executed against them. And for the better execution of the said Act, it is ordained that a Synodall Assemblie shall be holden in everie Province (in which usurping Bishops are) 18. August next to come, in which they shall be cyted and summoned by the Visitors of the said Countries to compeere before their Synodall Assemblies; as namely, The Archbishop of S. Andrewes to compeere at Saint Andrewes, The Bishop of Aberdene in Aberdene, The Archbishop of Glasgow in Glasgow, the Bishop of Murray in Elgin, to give obedience to the said act, which if they refused to do, that the Synodall As-



semblies shall appoint certaine brethren of their Presbyteries to give them publike admonitions out of their Pulpits, and to warne them, if they disobey, to compeere before the next generall Assembly to be holden at Edinburgh 20. Octob. to heare the sentence of excommunication pronounced against them for their disobedience: and to this act the Bishop of Dumblane that then was, agreed, submitting himself to be ruled by it; it was also condemned by the act of Glasgow Anno 1581. which doth ratifie the former act of Dundee, and ordaines the book of policie, which was approved by severall Generall Assemblies to be registrated in the books of the Assemblie, and enjoyned the generall confession of faith to be subscribed by all his Majesties Lieges; Yet hath the said Master David Lyndsey with his foresaid Colleagues respective, not onely incroached upon the liberties of Presbyteries and Synods, but hath also took Consecration to the office of a Dioecesan Bishop, without the knowledge or consent of the Church, and against the acts of it, claiming the power of ordination and jurisdiction, as due to him by that unwarrantable officio.

Besides, the said Master David Lyndsey, with his foresaid colleagues respective, have, against the Lawes of the Church and Kingdome, brought in the Service book, the book of Canons, and the High Commission Court, and would have changed and overthrowne the whole frame of doctrine of Gods word, the use of the Sacraments, the Discipline, Liberties and Priviledges of this Church and State, if the Lord had not prevented them; The particulars wee shall present to your wisdomes, though it bee knowne to all men, how he and they have abused his Majesties Authoritie against his Royall intentions and Declarations, they having moved discontents betwixt the King and his subjects, by scandalous lies betwixt subject and subject, for which things, complaints have been given in to the Councell, which we hold heare to be repeated as a part of our complaint, and to be tried by your wisdomes, and referred to the Assemblie.

Besides all these faults, the said Master David Lyndsey with his Colleagues respective, in his life and conversation is slandered constantly as guiltie of excessive drinking, whoring, playing at Cards and Dice, swearing, profane speaking, excessive gaming, profaning of the Sabbath, contempt of the publike ordinances and private familie-exercises, mocking of the power of preaching, prayer, and spirituall conference, and sincere professors; besides, with bribery, simonie, selling of Commissariots places, lies, perjuries, dishonest dealing in civill bargaines, abusing of their vassals, and of Adulterie, and Incest, with many other offences, of which we shall give the particulars in our particular accusations.

Whereas the Presbyterie is the ordinarie judicatorie of this Church for trying of these offences, and hath the Ecclesiasticall power for eytation of the parties and offenders, with the reference to their complaintsto the Generall Assemblie, Therefore wee most earnestly and humble beseech your godly wisdomes, as you tender the glory of God, the peace and libertie of this Church, the removall of scandals, and punishment of vice, that you will take into your consideration and triall the foresaid many and hainous offences, with the particular reservations and qualifications of them, which we shall present to your wisdomes, or to the Assemblie when it shall be thought convenient; and that you would either take order with it your selves, and censure the offenders, according to the nature of the offences, with the Ecclesiasticall paines contained in the Acts and foresaid Canons of this Church and Kingdome, or else

make a reference of them to the Generall Assemblie to bee holden at Glasgow 21. Novemb. and, that the knowledge of these should come to the Delinquents, that you will be pleased to ordaine the publishing hereof, to bee made by all the Brethren of the Presbyterie in their Pulpits upon the Sabbath before noone, with a publike admonition to the offenders to be present at the Assemblie, to answer to this complaint, and to undergo the censure and triall of it, and to bring with them the books and scroules of subscriptions and oaths required from those who enter into the Ministerie, with the books of the High Commission Court, and the books of the Generall Assemblie, which they or their Clerk had or have fraudulently conveyed away, Together with this certification, That if the said Master David Lyndsey, with his foresaid colleagues respective, do not appeare in the said Assemblie, and bring with them the said books, to answer to this complaint in generall, and to the particular heads of it, and to submit himselfe to the triall and proove of this complaint generall, and to the particular heads of it, that there shall be a condigne censure of these offenders for their contempt and contumacie; Here wee humble beseech your wisdomes answer.

*The Act of the Presbyterie of Edinburgh 24. Octob. 1638. yeares, in answer to this Complaint.*

Upon the said day, we the Brethren of the Presbyterie of Edinburgh, after we had received this Bill and complaint, presented unto us by the Laird of Buehanan, The Laird of Dury the younger, The Laird of Carlourie, John Smith late Bailife of Edinburgh, John Hammiltoun, and Richard Maxwel, in name of the Noblemen, Barons, Burgesses, and Commons, subscribers of the Covenant (which are not Commissioners to the Generall Assemblie) against the pretended Archbishops and Bishops of this Kingdome, and after wee had read and seriously considered the same, wee, according to the desire of the complainers, did and do referre the same to the next Generall Assemblie to bee holden at Glasgow 21. November. And wee ordaine the publishing of this complaint, and of our reference of it to the Assemblie, to be fully read by all the Pastors of the Presbyterie upon the next Sabbath before noone out of their Pulpits, with a publike warning and cytation to the offendants complained upon; By name, Master John Spotswood pretended Archbishop of Saint Andrewes, Master Patrick Lyndsey pretended Archbishop of Glasgow, Master Thomas Sydsferfe pretended Bishop of Galloway, Master David Lyndsey pretended Bishop of Edinburgh, Master Alexander Lyndsey pretended Bishop of Dunkeld, Master Adam Bannatine pretended Bishop of Aberdene, Master John Guthrie pretended Bishop of Murray, Master John Maxwel pretended Bishop of Rosse, Master George Greme pretended Bishop of Orknay, Master John Abernethie pretended Bishop of Caithness, Master Walter Whitefoord pretended Bishop of Brichen, Master James Wedderburne pretended Bishop of Dumblane, Master James Fayrley pretended Bishop of Argyle, Master Nail Campbell pretended Bishop of the Isles, to be present at the said Assemblie, to answer to this complaint in generall, and to the particular heads of it, to undergo the triall and censure of it, and to bring with them the books and scroules of the subscriptions and oaths of them who enter into the Ministerie, the books of the High Commission, and the book of the Generall Assemblie, which they either had or have fraudulently put away; and if any Pastor within this Presbyterie



refuse to publish this cytation, we require the Reader of the Church to do it. In like manner wee require all parties who have interest, either in pursuing, or specifying, or proving this complaint, to be present at the said Assemblie for that purpose; Upon which the complainers took instruments in the hands of the Notarie.

According to this complaint, and the warrand of the Presbyteries reference of it, I A. R. warne and admonish the abovenamed offenders to compeere before the next Generall Assemblie to bee holden at Glasgow 21. November, for the causes contained in the complaint, and for the certification expressed in it.

1638.—October.

34. *Notice from Tables to Members of Assembly.\**

1. That all Noblemen subscribers of the Covenant (except the Noblemen of the West, who shall be ready upon advertisement) meet at Edinburgh the 12. of November, and stay there till they goc to Glasgow, where they shall all meet on Saturday the 17. of November at the furthest.

2. That the full number of these who are appointed Commissioners by the severall shires, to attend this common cause, with foure Gentlemen within the bounds of every Presbyterie at the least, out of the number of their Assessors, without excluding any voluntaries, That they come to Glasgow the 17. day of November, to attend constantly the Assembly, and give their advice in the common cause to the ruling Elders, Commissioners to the Assembly out of these Shires and Presbyteries.

3. That the Burrowes appoint (according to their quality and number) two, foure, or six of most judicious men to come to Glasgow the 17. of November, and there constantly to attend the Assembly, and give their advice to their Commissioner in this common cause.

4. That the Fast be observed the fourth day of November universally, with any other dayes they may conveniently: and if any be repairing to the Assembly, that they keepe the Fast where they shall bee for the time.

5. That now especially, seeing rulers Elders from particular Congregations are receeived in Presbyteries, that particular Congregations take such course that no Minister Commissioner be forced to be absent from the Assembly for want of necessarie charges.

6. That where any hath beene deceived or compelled to subscribe this new Coveuant, that the Ministers take their Declarations in writing, or by act in the bookes of Session, or before one witnesse, that they were forced, deceived, or mistaken: And that every Minister make known, and intimate publikely to the people the printed protestation, coutayning the reasons against this new subscription; and where the Minister refuseth, that some well affected Gentleman doe it.

1638.—November 16, 17, and 20.

35. *The Declinator and Protestation of the Arch-bishops, and Bishops, of the Church of Scotland, and others their Adherents within that Kingdome: Agaynst the pretended Generall Assemblie, holden at Glasgow, Novemb. 21. 1638. Aberdene, Printed by Edward Raban, According to the Copie Printed*

at London 1639. ¶ It is his Majesties pleasure that this be printed: For the which, this shall bee your Warrant: HAMILTON.\*

We Arch-bishops, Bishops, and other Under-subscribers, for our selues, and in name & behalfe of the Church of Scotland, (whereas it hath pleased the King's Majestie, to indiet A Generall Assemblie of the Church, to bee kept at Glasgow, Novemb. 21. 1638. for composing and setting of the Distractions of the same) First doe acknowledge, and professe, That A Generall Assemblie, lawfullie called, and orderlie conveyed, is a most necessarie & effectual Meane, for removing those evils where-with the sayd Church is infested, and for setting that Order which becometh the House of GOD: and, That we wish nothing more, than a Meeting of a peaceable and orderlie Assemblie, to that effect. Secondlie, we acknowledge, and professe, as becometh good Christians, and faythfull Subjects, That his Majestie hath authoritie, by his Prerogative Royall, to call Assemblies, as is acknowledged by the Assemblie at Glasgow, 1610, and Parliament 1612. and, That it is not lawfull to conveye without his Royall consent, and approbation, except wee will put our selues in danger to be called in question for Sedition.

Yet, never-the-lesse, in sundrie respectes wee can not but esteeme this Meeting at Glasgow, most vnlawfull, and disorderlie: and their Proceedings voyde, and Null in Lawe, for the Causes and Reasons following.

I. First: Before his Majesties Royall Warrant to my Lord Commissioner his Grace, to indiet A Lawfull Free Generall Assemblie, the vsurped Authoritie of the Table, (as they call it) by their Missives, and Instructions, did giue order and direction, for all Presbyteries, to elect and choose their Commissioners for the Assemblie; and for seeking of GOD'S Blessing to it, to keepe a solemne Fast, September 16: vvhwhereas his Majesties Warrant, for indieting of that Assemblie, was not published till the 22 of that Moneth. So that they Preventing, and not proceeding by Warrant of Royall Authoritie, the pretended Commissioners beeing chosun before the Presbyteries were authorized to make election, can not be reputed Members of a Lawfull Assemblie.

II. A Lawfull Assemblie, must not onelie bee indicted by Lawfull Authoritie, (as wee acknowledge this to bee) but also constituted of such Members, as are requisite to make vp such a Bodie. For, if according to the Indiction, none at all doe conveye; or, where the Clergie is called, there meet none but Laicks; or moe Laicks, than of the Clergie, with equall power, to judge, & determine; or such of the Laicks, and Clergie, as are not lawfullie authorized, or are not capable of that Employment by their Places; or such as are legallie disabled to sit, and decide in an Assemblie of the Church. A Meeting consisting of such Members, can not be thought a Free and Lawfull Assemblie, by that Act of Parliament, Iac. 6. Parl. 3. cap. 46. 1572. Everie Minister, who shall pretend to be a Minister of God's Word and Sacraments, is bound to giue his assent & subscription to the Articles of Religion, containd in the Acts of our Soveraygne Lord's Parliament; and in presence of the Arch-bishop, Superintendent, or Commissioner of the Province, giue his Oath, for acknowledging and recognizing of our Soveraygn Lord, and his Authoritie, and bringing a Testimoniall in writ therevpon; and

\* Large Declaration, p. 230.

\* Dr M'Crie's Collection of Pamphlets.



openlie, upon some Sunday, in tyme of Sermon, or publicke Prayers, in the Church where hee ought to attend, reade both the Testimoniall and Confession, and of new make the sayd Oath, within a moneth after his admission: vnder the payne, that everie person, that shall not doe as is aboue-apoynted, shall *ipso facto* be deprived, & all his Ecclesiasticall promotions, and living, shall be then vacant, as if he were then naturallie dead; and that all inferiour persons, vnder Preates, be called before the Arch-bishops, Bishops, Superintendents, and Commissioners of the Dioceses, or Province, within which they dwell, as the Act beareth.

III. All of the Clergie conveaned to this Assemblie, pretend themselves to bee Ministers of GOD'S Word, and Sacramentes, and haue Benefices, or other Ecclesiasticall Livings, yet neverthelesse the most part of them, haue never in presence of the Archbishop, Bishop, Superintendent, or Commissioner of the Diocese, or Province, subscribed the Articles of Religion, contayned in the Actes of Parliament, and given their oath, for acknowledging and recognoscing our Soveraygne Lord, and his Authoritie, and brought a Testimoniall thereof: And, therefore, they are, *ipso facto*, deprived, and their places voyde, as if they were naturallie dead, and consequentlie having no place nor function in the Church, can not be Commissioners to this Assemblie: *hoc maxime attento*, that the sayd persons not onlie haue never given their Oath, for acknowledging his Majesties Authoritie, nor can show no Testimoniall therevpon, as they are bound by the sayd Act: But also having as subjectes comprehended in the representatie bodie of this Kingdome, "Promised to acknowledge, obey, mayntayne, defende, and advaunce, the Lyfe, Honour, Safetie, Dignitie, Soverayne Authoritie, and Prerogative Royall, of his Soverayne Majestie, his Heys & Successours, and Priviledges of his Highnesse Crowne, with their lyues, lands, and goods, to the vttermost of their power, constantlie, & faythfullie, to withstand all and whatsoever persons, powers, and estates, who shall presume, preasse, or intende, anie wyse to impugne, prejudge, hurt, or impaire the same; and never to come in the contrarie thereof, directlie or indirectlie, in anie tyme coming; as the Acts of Parliament, Jac. 6. Parl. 18. cap. 1. Car. Parl. cap. 1. doe proport."

And more-over, Being obliedged at their Admission, to giue their Oath, for performance of this duetic of their Alledgeance; "And to testific and declare on their conscience, That the KING is the lawfull Supream Governour, as well in matters Spirtuall and Ecclesiasticall, as Temporall; and to assist and defende all Iurisdiction and Authoritie, belonging to his Majestie, by the Act of Parliament 1612. Yet notwithstanding of the sayde Bandes, Actes, and Promises, whereby the sayd persons are so strictlie bound to the performance of the Premises, his Majestie having ordayned, by Act of Councell, at Holie-Rood-House, Sept. 24. 1638. and Proclamations following therevpon, That all his Majesties Liedges, of whatsoever estate, degree, or qualitie, Ecclesiasticall or Temporall, should sweare and subscribe the sayde CONFESSIO, together with a generall BAND, for defending his Majesties person and authoritie, agaynst all Enemies within this Realme, or without, haue not onlie refused to subscribe the sayd BAND and CONFESSIO; but haue in their Sermons, and other Speeches, disswaded, deterred, impeded, and hindered others of the Liedges to subscribe the same; and publickly protested agaynst the subscription thereof: And therevpon can not conveane, nor concurre lawfullie,

to the making vp of the bodie of an Assemblie of the CHVRCH, as being deprived and denuded of all place and function in the same.

IV. A Generall Assemblie was condescended vnto, out of his Majesties gracious Clemencie, and pious Disposition, as a Royall Favour to those that so should acknowledge the same, and acquiesce to his gracious pleasure, and carrie themselves peaceable, as loyall and duetifull Subjects, which the Commissioners directed to this Assemblie, supposed to bee of the number of those that adhere to the last Protestation made at Edinb. Sept. 1638. doe not so account of, and accept, as appeareth by the sayde Protestation: whereby they protest, That it shall bee lawfull for them, as at other times, so at this, to assemblie themselves, notwithstanding anie impediment, or prorogation, to the contrarie: as also by continuing their Meetings and Table, discharged by Authoritie, refusing to subscribe the BAND according to his Majesties, and Councells, command, for mayntayning his Majesties Royall person, and authoritie, protesting agaynst the same; still insisting with the Liedges, to subscribe the Band of mutuall defence, agaynst all persons whatsoever, and remitting nothing of their former proceedings, where-by his MAJESTIES wrath was provoked: thereby they are become in the same state and condition wherein they were before his Majesties Proclamation and pardon; and so forfayte the favour of this Assemblie, and libertie to bee Members thereof. And others of his MAJESTIES Subjectes may justlie feare to meete with them in this Convention, for that by the Act of Parliament, Jac. 6. Parl. 15. Cap. 31. Prelacies beeing declared to bee one of the three Estates of this Kingdome, and by the Act of Parliament, Jac. 6. Parl. 8. Cap. 130. All persons are discharged to impugne the dignitie and authority of the three Estates, or any of them in time coming, vnder the paine of Treason. And whereas the King by his Proclamation, declareth Archbishops and Bishops, to haue voyce in the Generall Assemblie, and calleth them to the same for that effect, as constantlie they haue beene in vse in all Assemblies, where they were present, as appeareth by manie Acts of the Generall Assemblie, ordaining them to keepe and assist at the same, as in the Assemblie at Edinburgh, December 15. 1566. At Edinburgh, March 6. 1572. At Edinburgh, May 10. 1586. And by a Letter, written by the Assemblie, March 6. 1573. to the REGENT, earnestlie desiring his owne, or his Commissioner's, presence, and the Lords of Councell. and the Bishops, at the Assemblie. They notwithstanding by the sayde Protestation, September 22. declared Archbishops and Bishops, to haue no Warrant for their Office in this CHURCH, to be authorized with no lawfull Commission, and to haue no place nor voyce in this Assemblie; and withall doe arrogate to their Meetinges, a Soverayne Authoritie, to determine of all Questions and Doubtes that can aryse, contrarie to the freedome of the Assemblie, whether in Constitution and Members, or in the matters to bee treated, or in manner and order of proceeding. Which howe it doeth stand with his Majesties supremacie, in all Causes, and over all persons, wee leaue it to that judgement, wherevnto it belongeth; and doe call GOD and Man to Witnesse, if these bee fit Members of an Assemblie, intended for the Order and Peace of the CHURCH.

V. Giving, and not graunting, That the persons foresayde, directed Commissioners in name of the Clergie, to this Meeting, were capable of that Authoritie, and that the sayd Presbyteries had the authoritie, to direct Commissioners to the Generall



Assemblie; yet haue they nowe lost, and fallen from all such Right, if anie they had; in so farre as they haue deposed the Moderators, who were lawfullie appoynted to governe them, by the Bishops in their Synodes, and elected others in their places, contrarie to the Act of the Assemblie at Glasgow, 1610, and Act of Parl. 1612; ordayning Bishops to be Moderators at these Meetinges; and in their absence, the Minister whome the Bishop should appoynt at the Synode. So these Meetings having disclaymed the Authoritie of Bishops, deposed their lawfull Moderators, & choosing others, without Authoritie, can not bee esteemed lawfull Convocations, that can haue lawfull power of sending out Commissioners, with authoritie, to judge of the Effayres of this CHVRCH.

VI. And yet doeth the Nullitie of the Commissions flowing from such Meetinges, farther appeare in this, That they haue associate to themselves, a Laicke-ruling-Elder, (as they call them) out of everie Session, and Parish; who beeing ordinarily the lord of the Parish, or the man of the greatest authoritie in the Boundes, doeth over-rule in the election of the sayd Commissioners, both by his authoritie, and their number being moe than the Ministers, whereof some beeing ordinarily absent, and fve or six, or so manie of them, put in list, and removed, there remayne but a few Ministers, to voyce to the Election: and in effect the Commissioners for the Clergie, are chosen by Laymen, contrarie to all order, decencie, and custome observed in the Christian world; no wyse according to the custome of this CHVRCH, which they pretend to follow; the Presbyteries formerly never associating to themselves Lay-Elders in the election of the Commissioners to the Generall Assemblie, but onlie for their assistance in Discipline, and correction of Manners; calling for them at such occasions, as they stode in neede of their Godlie Concurrence; declaring otherwyse their meeting not necessarie; and providing expresselie, that they should not be equall, but fewer in number, than the Pastors: as by the Act of Assemblie at Saynt-Andrewes, Aprill 24, 1582, (where Master Andrew Melvill was Moderatour) doeth appeare: lyke as these fourtie yeares by-gone, and vpwardes, long before the re-establishing of Bishops, these Lay-Elders haue not beene called at all to Presbyteries. And by the Act at Dundie, 1597; whereby it is pretended, That Presbyteries haue authoritie to sende these Lay-Commissioners, it doeth no wyse appeare, that those Lay-Elders had anie hand in choosing of the Ministers. And this is the onlie Act of the Assemblie, authorizing Presbyteries, to choose Commissioners to the Generall Assemblie: nor haue Lay-Elders sate ordinarily in Presbyteries, vpon anie occasion, these fourtie yeares, and vpwardes: nor ever had anie place, nor voyce, in the election of Ministers, for the Generall Assemblie; and consequentlie, these chosen by them to this Assemblie, haue no lawfull power, nor authoritie.

VII. Beside; the persons Ecclesiasticall, pretended to be authorized Commissioners to this Assemblie, haue so behaved themselves, that justlie they may be thought vnworthie and vncapable of Commission to a Free and Lawfull Assemblie.

1. For that by their seditious and rayling Sermons and Pamphlets, they haue wounded the KING's Honour and Soveraygne Authoritie, and animated his Liedges to Rebellion; averring that all Authoritie Soveraygne, is Originallie in the Collective bodie, derived from thence, to the Prince; and that not onlie in case of negligence, it is Sup-

pletive in the Collectiue bodie, as beeing communicate from the Commonitie to the King; Cumulative, not Privative; but also in case of maladministration, to returne to the Collectiue bodie; so that *Rea excidit jure suo*, and that they may refuse Obedience.

2. Next; they are knowne to bee such as haue eyther beene Schismaticallie refractarie and opposite to good Order settled in the CHVRCH and STATE; or such as having promised, subscribed, and sworne Obedience to their Ordinarie, haue never made conscience of their Oath; or such as haue sworne, and accordinglie practised; yet contrarie to their Promise and Practise, haue resiled, to the contempt of Authoritie, and disturbance of the CHVRCH; or such as are vnder the Censures of the Church of Ireland, for their disobedience to Order; or vnder the Censures of this CHVRCH; or conueaned, at least deserving to bee conueaned before the Ordinaries, or a lawfull Generall Assemblie, for diverse Transgressions, deserving deprivation: As, first, For vttering in their Sermons rash and irreverend speeches in Pulpit, agaynst his Majesties Councell, and their Proceedings, punishable by Deprivation: by the Act of Assemblie at Edinburgh, May 22. anno 1590. Next; For reproving his Majesties Lawes, Statutes, and Ordinances, contrarie to the Act of Assemblie at Pearth, May 1. Anno 1596. Thirdlie; For expressing of mens names in Pulpit, or descrybing them viuelic to their reproach, where there was no notorious fault; agaynst another Act of the same Assemblie. Fourthlie; For vsing Applications in their Sermons, not tending to the edification of their present Auditorie; contrarie to another Act of the same Assemblie. Fiftlie; For keeping Conventions, not allowed by his Majestie, without his knowledge, and consent; contrarie to another Act of the same Assemblie. Sixtlie; For receaving of people, of other Ministers Flockes, to the Communion; contrarie to Order, Actes of Assemblies, and Counsels. Seaventhlie; For intruding themselves into other mens Pulpits, without Calling or Authoritie. Eyghtlie; For vsurping the Authoritie to convent their Brethren, and proceede agaynst them to the Censures of Suspension, and Deprivation. Nynthlie; For pressing the people to subscribe a Covenant, not allowed by Authoritie; and opposing and withstanding the subscribing of a COVENANT offered by his Majestie, and allowed by the Councell: Beside manie personall faultes and enormities, whereof manie of them are guiltie, which in Charitie, we forbear to expresse. But heereby it doeth appeare, how vnfit these persons are, to bee Members of a Free and Lawfull Assemblie.

VIII. Nor doeth it stand with Reason, Scripture, or Practise of the Christian Church, that Lay-men should bee authorized to haue decisiue voyce in a Generall Assemblie. In that Act of Dundie, 1597, whereby these Elders pretende to haue this place, there is no Warrant expressed for them, to deliberate and determine. Their presence and assistance wee approue, being allowed and authorized by the Prince. The Kings Majesties presence in person, or by his Delegates, wee holde moste necessarie to see all thinges orderlie and peaceable done; and that hee haue the chiefe hand in all Deliberations and Determinations. Nor doe wee refuse, that anie Intelligent or moderate man, may make remonstrance of his opinion, with the reasons of it, in that way that becommeth him in a Nationall Assemblie; due reverence beeing kept, and Confusion avoyded. But that anie Lay-man, except hee bee Delegate by Soveraygne Authoritie, shall presume to haue a definitiue and decisiue Voyce, wee esteeme it



to bee intrusion vpon the Pastorall Charge, and without Warrant. May wee not, therefore, intreat my Lord Commissioner his Grace, in the words of the Fathers of the Fourth Generall Councell at Chalcedon, *Mitte foras superfluos?* Nor will a pious Prince bee offended with it, but, with Theodosius the younger, will say, *Illegitimum est, cum qui non sit in ordine Sanctissimorum Episcoporum, Ecclesiasticis immisceri tractatibus*.—And Pulcheria the Emperesse, commaunded *Strategus, Vt Clerici, Monachi, & Laici, vi repellerentur, exceptis paucis liliis, quos Episcopi secum duxerunt*. Upon this respect was Martinus in that Councell of Chalcedon, moved to say, *Non esse suum, sed Episcoporum tantum subscribere*.

IX. If these pretended Commissioners, both Lay and Ecclesiasticall, were lawfullie authorized, (as it is evident they are not,) and for none other cause declinable, yet the Law doeth admit, that justlie a Iudge may bee declined, who is probable suspect. And of all probabilities, this is the most pregnant, when the Iudge, before hee come to judgement, doeth giue sentence of these things hee hath to judge. This made our Reformers Protestation agaynst the Councell of Trent valide; and their not compearing, justifiable, because Pope Leo 10 had precondemned Luther, as appeared by his Bull, dated 8 Iunii, 1520, renewed by Paul 3, dated in August 1535. This was the cause why Athanasius would not giue his appearance at some Councells, nor Hosius of Corduba, nor Maximus Patriarch of Constantinople. But so it is, the most part, if not all of the sayde Commissioners directed to this Meeting haue precondemned EPISCOPALL GOVERNMENT, and condemned, at least suspended Obedience to the Acts of the Generall Assemblie and Parliament, concerning the five Articles of Pearth, haue approved their COVENANT as most necessarie to be embraced of all in this Kingdome; and not onelie haue given judgement of these things before-hand; but by most solenne Oathes haue bound themselves, to defonde and stand to the same: as doeth appeare by their Covenant, Petitions, Protestations, Pamphlets, Libels, and Sermons. And, therefore, by no Law nor Equitie, can these pretended Commissioners bee admitted to determine in this Meeting, concerning these Persons and Poynts, which before-hand they haue so vnjustlie condemned.

X. Farther: with no Law nor Reason can it subsist, that the same persons shall bee both Iudges and Parties. And wee appeale the Consciences of all honest men, if all, at least the greatest parte of the pretended Commissioners, haue not declared themselves Partie to the Arch-bishops, and Bishops, of this CHVRCH: for in that they haue declyned the Bishops to be their Iudges as beeing their Partie, (as their Declinators, Petitions, Declarations, and Protestations doe beare,) haue they not *simul & semel, & ipso facto* declared themselves to bee Partie agaynst Bishops? Whom they haue not onlie declyned, but persecuted by their Calumnies and Reproaches, vented by word and writ, in publicke and in private; by invading their persons, opposing and oppressing them, by strength of an vnlawfull Combination; for the subscriybing and swearing whereof, they haue by their owne Authoritie indicted and kept Fastes, not onelie in their owne Churches, but where worthie men refused to bee accessorie to these disorderlie and impious Courses, they haue, by ayde of the vnruely multitude, entered their Churches, vsurped vpon their Charges; reading, and causing to be read, that vnlawfull Covenant; by threatening and menacing, compelling some (otherwise vnwilling) out of just feare, to set their hands to it; by pro-

cessing, suspending, and removing obedient and worthie Ministers from their places by the vsurped Authoritie of their Table, and Presbyteries. And whereas by all Law and Iustice, persons finding themselves wronged in Iudgement, haue never benee denied the remedie of Declinatorie and Appellation: Neverthelesse not a few of these Presbyteries haue proceeded against sundrie worthy Ministers, who haue declined and appealed from their Iudgments, without respect to this Defence: by these means craftilie intending to disable them to be Commissioners for the CHVRCH; directlie, or indirectlie, causing their Stipendes to bee kept backe from them: By which meanes, not the least parte of the subscribing Ministers haue benee gained to their Covenant.

But it is without example, vncharitable, and illegall, that vnder the pretext of Summones (the like whereof was never vsed, nor in the like manner, agaynst the most haynous Malefactors in the kingdome) they haue devised, forged, vented, and published a most infamous and scurrile Libell, full of impudent Lies, and malicious Calumnies, against the Arch-bishops, and Bishops, of this CHVRCH: and haue first given out from their Table, the Order prescrybed in these subsequent Articles, which we haue insert, that the World may be Witnesse of the Illegalitie and Maliciousnesse of their Proceedings.

1. To desire the Presbyterie of evorie Bishop, especially where hee keepeeth his residence, as also the Presbyterie where his Cathedrall Seat is, to haue a speciall care of this Bill, and Complaynt agaynst the Prelates, and particularlie agaynst the Bishop of their Diocese.

2. That some Noble-men, if anie be within the Presbyterie, some Gentle-men and Barons, some Ministers, and some Commons, who are not chosen Commissioners to the Assemblie, in their owne Name, and in Name of all other Covenanters, or Complayners, eyther within the Presbyterie, or Diocese, or whole Kingdome, who are not Commissioners to the Assemblie, will adheare and assist in this Complaynt, that they present this Bill to the Presbyterie.

3. That they who are Complayners, haue a particular care to fill up the Blanks left in the Bill, in the Subsumptions of the particular Faults committed by the Bishop of the Diocese, agaynst these generall Rules, Canons, and Actes: or if these Blanks will not contayne the same, that the Complayners draw vp in a particular Clayme, all the particular Faultes, and Transgressions of the Bishop of that Diocese, agaynst these Rules, Canons, and Acts, or anie other Law of the Church, or Kingdome; and present the same to the Presbyterie, with this generall Complaynt. And if they can not get the Particulars presentlie readie, notwithstanding, they present without anie delay, because of the scarcenesse of the tyme, this Complaynt, as it standeth with the Blanks: and in the meane tyme, may gather anie other Particulars, agaynst the Assemblie, to which this Complaynt is to be referred.

4. That the Presbyterie finding the Complaynt important, & the Generall Assemblie so approaching, referre the same to the Generall Assemblie, by an Act of this Reference, insert in the Bookes of the Presbyterie.

5. That vpon this Reference of the Complaynt to the Assemblie, the Presbyterie admonish the Complayners, *apud acta*, to be present at the sayde Assemblie, for assisting and verifying of the sayde Complaynt.

6. That the Presbyterie ordayne all their Pas-



tors, out of Pulpit, on a Sabbath-day, before noone, to cause reade publickly this whole Complaynt, and the Presbyteries Reference to the Assemblie; and so to admonish the Bishop of that Diocese, the Delinquent complayned upon, with the rest of his Collegues, to be present at the Gen. Assembly, to answer to the particular Complaynt, both in the particular and generall heads thereof, given, or to be given in; & to abide the censure & tryall of th' Assemblie therevpon. And lykwyse, out of Pulpit to admonish all others, who haue interest eyther in the persuing, or referring this Complaynt, to be present, at the sayd Assemblie.

7. That the Presbyterie insert, in their Presbyterie-Bookes, the whole tenour of this Complaynt, both in the generall and particular heads thereof; and that they haue a care, to cause deliver, by their ordinary Beadell, to the Bishop of the Diocese, a Copie thereof, and a Copie of an Act, referring the same to the Assemblie; and summon him, to compeare before the Assemblie. And if he be within the Countrey, and cannot be personallie apprehended, to affix a full copie thereof vpon each dwelling place, and vpon the most patent doore of the Cathedrall Church, and Episcopall Seat.

8. That the Complayners, [within the Presbyterie where the Bishop is resident, or hath his Cathedrall, be carefull to keep correspondance with those in other Presbyteries within their Diocese, who best can specifie and verifie their Bishops vsurpation, & transgressions; and who had particular Articles, to gather particular Declarations, and Informations, of the same.

9. That some of these Complayners, in their own name, and with Warrant and Power from the rest, without fayling, attend the Assemblie, with the generall Complaynt, and particular Verifications, and Specifications, of the same.

10. That in case the Presbyterie where the Bishop hath his residence, or where he hath his Cathedrall, and Episcopall Seat, refuse to receaue this Complaynt, or referre the same to the Assemblie, or to admonish, or cite, the Bishop delinquent, before the Assemblie, to answer to the Complaynt; That the Gentle-men, and others, who are Complayners to the Presbyteries, vpon their Refusall, take instrument, in the handes of the Clerke of the Presbyterie, or anie Notarie; and protest, That their Refusall of the ordinarie care of Iustice, procured (without doubt) by the Bishop of that Diocese, delinquent, complayned of, the equivalent of Law and Reason, bee a formall Citation of him. Which Protestation, they may affixe vpon the dwelling-house of the sayde Bishop, or vpon his Cathedrall Church, or vpon the pryme Church within the Presbyterie. And, That they may deale with anie other Presbyterie within the Diocese, who is better disposed, and vpon their receipt of the Complaynt, will referre the same to the Assemblie, and cite the Bishop in manner aboue-expressed, to compeare before the sayd Assemblie.

11. Item: Perhaps some Minister within the Presbyterie, may thinke some Heads of this Complaynt, not to be relevant in his Opinion, or know the Bishop not to bee guiltie of all the particular Heads containd therein; Yet hee in Iustice can not refuse to referre the tryall of the Relevancie, and Probation thereof, to the Generall Assemblie, especially, seeing the Relevancie and Probation of moe or fewer Points agaynst the Bishop of the Diocese, is sufficient; and seeing the Subsumption of everie particular Head, is agaynst the Bishop of the Diocese, with his Collegues.

12. Item, to desire the Presbtery, vpon Com-

playnts vpon anie persons within the same, against any scandalous Minister, eyther in Doctrine or Lyfe, eyther to judge the Complaynt, or referre the same to the tryall and censure of the Generall Assemblie, and so to admonish and cite the Ministers complayned vpon, to compeare before the Generall Assemblie, for that ende.

According to which Articles, vpon Sunday, October 28, they caused reade the sayd Libell in all the Churches of Edinburgh, notwithstanding my Lord Commissioners command given to the Provost and Baylies to the contrarie, except in Holie-Rood-House, where it was read the next Sunday, as it was in other Churches of the Kingdome: proceeding heerein, 1. Agaynst all Charitie, which doeth not belaeue it selfe vnseemly, nor delighteth in the discoverie of mens nakednesse, nor take vp a reproach, nor backbite with the tongue; much lesse to write a Booke agaynst a Brother. 2. Agaynst the order prescrybed by the Apostle; Not to rebuke an Elder, but to intreate him as a Father: and by the Act of Parliament, Iac. 6, Parl. 8, discharging all persons to impugn or to procure the diminution of the authoritie & power of the three Estates, or anie of them. 3. Agaynst all lawfull and formall proceeding, speciallie, that prescrybed by Act of Generall Assemblie at Perth, Martij. 1, 1596; whereby it is ordayned, That all Summons contayne the speciall Cause and Cryme: which the sayde Libell doeth not: nameing ouelie generall Calumnies, Reproaches, and Aspersions, without instruction of anie particular, but leaving these to bee filled vp by malicious delation, after they haue defamed their Brethren by publishing this Libell: as appeareth by the 8 and 11 Articles of the sayde Instructions. And agaynst the order prescrybed by the Assemblie at Saynet-Andrewes, April 24, 1582; whereby it is enacted, That in processe of deprivation of Ministers, there be a libelled Precept vpon fourtie dayes warning, beeing within the Realme; and threescore dayes, being without the Realme, to bee directed by the Church, and such Commissioners thereof, as elect and admit the person complained of, summoning them to compeare, & answer vpon the Complaint. And in case of their absence at the first Summons, the second to be directed vpon the lyke warning, with certification: if hee faile, the Libell shall be admitted to probation, and he shall bee holden *pro confesso*. Which forme not beeing kept in a Summons inferring the punishment of Deprivation, the same can not bee sustayned by the order of that Assemblie. 4. Agaynst common Equitie, which admitteth Summons onlie by the authoritie of that Iudge before whom the Delinquent is to compeare. Whereby the Summons directed by the authoritie of these pretended Presbyteries, can not sustayne, for compearance before the Generall Assemblie, nor could reference bee made from the Presbyterie, to the Generall Assemblie, the parties never beeing summoned to compeare before the Presbyterie, whereby eyther in presence of the Partie, or in the ease of contumacie, the Complaynt might be referred to the Assemblie. That there was no Citation before the Reference, is cleare, by the sayd Instructions. And what a strange and odious forme it is, to insert such a calumnious Libell in the Presbyterie-Bookes, without citing of the Parties, to answer therevnto; and to cite the Bishops before the Generall Assemblie, by the sayde Libell, by publishing the same at Churches, to the which they had no Relation, and were manie miles distant; wee leaue it to the iudgement of indifferent men. 5. Agaynst all Decencie, and respect due to men of their Place,



the sayde persons, beeing Men of Dignitie, and some of them of his Majesties moste HONOURABLE PRIVIE COUNCELL, and knowne to bee of blamelesse Conversation, and to haue deserved well, thus to be reviled, and traduced, doeth redound to the reproach of Church, and State, and of the Gospell, whereof they are Preachers. 6. Lastlie, to omit manie other Informalities agaynst their owne Consciences, which wee charge in the sight of GOD, as they must answer before His Great and Fearfull Tribunall, If they suspect, and know not perfectlie, according to the judgement of Charitie, them whom they thus accuse, to bee free of these Crimes, wherewith they charge them; at least of manie of them; as appeareth evidentlie by the xj Article of the said Instructions, having therein libelled the Generall, and haue yet to seeke the Specification thereof, from the malice of their neighbours, if so bee they can furnish it. By which informall and malicious Proceeding, it is most apparent, that our sayd Parties doe seeke our disgrace and overthrowe, most maliciouslie, and illegallie. And therefore, wec call Heaven and earth to witnesse, if this bee not a barbarous, and violent persecution, that all Circumstances being considered, hath few or none to parallell it, since the beginning of Christianitie: and if wee haue not just cause to decline the sayde preteuded Commissioners, as our Partie.

Moreover, can these men expect, but in a lawfull Assemblie they were to bee called and censured for their enorme transgressions foresayde? And will anie man thinke, that they can be judges in their owne cause? it is alleadged out of the Canon-Law, agaynst the Pope, that if the Pope bee at variance with anie man, he ought not to bee judge himselfe, but to choose Arbitrators. And this may militate agaynst them; except they bee more vnrule than Popes. Ludovicus Bavarus, and all the Estates of Germanie with him, did pleade this Nullitie agaynst the sentence and Proceeding of Pope Iohn 22, and of his Councell. And the Archbishop of Cullen, 1546, did pleade the Nullitie of Paull 3 his Bull of Excommunication, because hee protested, that so soone as a lawfull Councell should bee opened, hee would impleade the Pope as Partie, beeing guiltie of manie thinges censurable by the Councell.

But the late Protestation doeth show the Authors thereof, to bee no lesse injurious to our Place, and Authoritie, than they are overweening of their owne. For it is agaynst Reason and Practise of the Christian Church, that no Primate, Archbishop, nor Bishop, haue place nor voyce deliberative, nor decise, in Generall Assemblies, except they bee authorized, and elected, by their Presbyterian Meetings, consisting of Preaching and Ruling Elders, (as they call them) and without Warrant, or Example, in the Primitiue, and purest tymes of the Church.

XII. This also doeth inferre the Nullitie of an Assemblie, if the Moderator and President for matters of Doctrine, and Discipline, shall bee neyther the Primate, Arch-bishop, nor Bishop; but he who by pluralitie of Presbyters, and Lay-mens voyces, shall bee elected: which happilie may bee one of the inferiour Clergie, or a Lay-person, as sometimes it hath fallen out. Whereas Canonically, according to the auncient practise of the CHURCH, the Primate should preside: according to the Constitution of the First Councell of Nice, Can. 6, of Antioch, Can. 9, and of the Imperiall Lawe, Novell. Constitut. 123, Cap. 10, and according to our owne Lawe. For what place in Assemblies, Arch-bishops and Bishops had in other Christian Nations, the same they had (no doubt) in SCOTLAND, and

yet still doe retayne, except by some Muniipall Lawe it hath beene restrayned, which can not bee showne: For the restraynt of their Authoritie by the Act of Parliament 1592, is restored by the Act of Parliament 1606, and 1609, and all Actes prejudiciall to their Iurisdiction abrogated. Neyther doeth that Act 1592, establishing Generall Assemblies, debarre Bishops from presiding therein: Nor the abrogation of their Commission, graunted vnto them by Act of Parliament, in Ecclesiasticall Causes, imply and inferre the abrogation of that Authoritie, which they received not from the Parliament, but from CHRIST, from Whom they received the Spirituall Over-sight of the Clergie, vnder their Charge: wherevnto belongeth the Presidentship in all Assemblies, for matters Spirituall; alwayes with due Submission to the Suprcame Governour: which is so intrinsecallie inherent in them, as they are Bishops, that *hoc ipso* that they are Bishops, they are Presidents of all Assemblies of the Clergie: as the Chancellour of the Kingdome hath place in Councell, and Session; not by anie Act, or Statute, but *hoc ipso* that hee is Chancellour. By Act of Parliament, Bishops are declared, to haue their Right in Synodes, and other inferiour Meetings; but by no Lawe restrayned, nor debarred from the exereyse of it in Nationall Assemblies: and the Lawe allowing Bishops to bee Moderatours of the Synodes, doeth present a List, in absence of the Metropolitane, to whome, of right, this Place doeth belong, as sayd is, out of which the Moderator of the Generall Assemblie shall bee chosen. For is it not more agreeable to Reason, Order, and Decencie, that out of Moderators of Synodes, a Moderator of the Generall Assemblie should bee chosen, than of the inferiour Clergie, subject to them?

As concerning that Act of the General Assemblie, Anno 1580, whereby Bishops are declared to haue no warrant out of Scripture, if corruption of tyme shall bee regarded, the authoritie of that Assemblie might bee neglected no lesse than that at Glasgow, Anno 1610. But it is ordinarie that prior Actes of Assemblies and Parliametes giue place to the posterior; for *Posteriora derogant Prioribus*. And there past not full six yeares, when a Generall Assemblie at Edinburgh found, that the Name of Bishops hath a speeiall charge and function annexed to it by the Word of God; and that it was lawfull for the Generall Assemblie to admit a Bishop to a Benefic, presented by the Kings Majestie, with power to admit, visite, and depriue Ministers, and to be Moderatours of the Presbyteries where they are resident, and subject onelie to the sentence of the Generall Assemblie.

As for that Act at Montrose, let them answer to it that haue their calling by that Commission. Wee professe that wec haue a lawfull calling by the election of the Clergie, who are of the Chapter of our Cathedralls, and consecration of Bishops by his Majesties consent and approbation, according to the laudable Lawes and auncient Custome of this Kingdome, and of the Church in auncient tymes; and doe homage to our Sovereigne Lord for our Temporalities, and acknowledge him, *solo Deo minore*, next vnto God in all causes, and over all persons Spirituall or Temporall; in his owne Dominions suprcame Governour. But now wee may take vp Cyprian his complaint, *Lib. 3. Ep. 14. Quot non periculum metuere debemus de offensâ Domini, quando aliqui de Presbyteris, nec Evangelii, nec loci sui memores; sed neque futurum Dei iudicium, neque præpositum sibi Episcopum cogitantes, quod nunquam omnino sub antecessoribus factum est, cum con-*



*lumelia & contemptâ præpositi, totum sibi vendicent? Atque utinam non prostrata fratrum nostrorum salute sibi omnia vendicarent. Contumelias Episcopatus nostri dissimulare & ferre possem; sicut dissimulavi semper & pertuli; sed dissimulandi nunc locus non est, quando dcepiatur fraternitas nostra à quibusdam vestrum, qui dum sine ratione restituendæ salutis plausibiles esse cupiunt, magis lapsis obsunt.*

XIII. Lastlie; it is most manifest by the Premisses, how absurd it is, and contrarie to all Reason and Practise of the Christian Church, that Archbishops and Bishops shall bee judged by Presbyters; and more absurd, that they should bee judged by a mixt meeting of Presbyters and Laicks, conveyning without lawfull authoritie of the Church. Howe, and by whome they are to bee judged, according to the custome of Auncient times, may bee seene by the Councell of Chalcedon, Can. 9. and Concil. Milevit. Can. 22. and Concil. Carthag. 2. Can. 10. Nor doe wee decline the lawfull tryall of anie competent judicatorie in the Kingdome, especiallie of a Generall Assemblie lawfully constitute, or of his Majesties high Commissioner, for anie thing in life or doctrine can be layde to our charge: onlie we declare and affirme, That it is against Order, Decencie, and Scripture, that wee should be judged by Pesbyters or by Laickes, without Authoritie and Commission from Soveraygne Authoritie.

For the reasonsfore-sayd, and manie moe, and for discharge of our duetie to GOD, to his CHVRCH, and to our Sacred Soveraygne, lest by our silence we betray the CHVRCHES right, his Majesties Authoritie, and our owne Consciences, Wee for our selues, and in Name of the CHVRCH of SCOTLAND, are forced to protest, That this Assemblie beereputed and holden Null in Lawe Divine and Humane; and, That no Church-man bee holden to appeare before, assist or approue it; and therefore, that no Letter, Petition, Subscription, Interlocutor, Certification, Admonition, or other Act what-so-ever proceeding from the said Assemblie, or anie member thereof, bee anie wise prejudiciall to the Religion and Confession of Fayth by Act of Parliament established, or to the Church, or anie member thereof, or to the Iurisdiction, Liberties, Priviledges, Rentcs, Benefices, and Possessions of the same, Actes of Generall Assemblie, of Councell, and Parliament, in Favouresthereof; or to the three Estates of the Kingdome, or anie of them; or to vs, or anie of vs, in our Persons, or Estates, Authoritie, Iurisdiction, Dignitie, Rentcs, Benefices, Reputation, and good Name: But on the contrarie, That all such Actes and Deedes aboue-mentioned, and every one of them, are, and shall bee reputed and esteemed vnjust, illegall, and Null in themselves; with all that hath followed, or may follow there-vpon.

And for as much as the sayde Assemblie doeth intende, (as we are informed) to call in question, disusse, and condemne thinges not onelie in themselves lawfull, and warrandable; but also defined and determined by Actes of Generall Assemblie, and Parliaments, and in practise accordinglie; to the disgrace and prejudice of Reformed Religion, authoritie of the Lawes and Liberties of the Church and Kingdome; weakning his Majesties Authoritie, disgracing the Profession and Practise, which hee holdeth in the Communion of the Church where he liveth; and branding of Reformed Churches, with the foule aspersions of Idolatrie and Superstition: Wee protest before GOD and man, that what shall bee done in this kinde, may not redound to the disgrace or disadvantage of Reformed Religion, nor bee reputed a deede of the Church of SCOTLAND.

Wee protest, that wee imbrace and hold, That the Religion presentlie professed in the Church of Seotland, according to the Confession thereof, received by the Estates of this Kingdome, and ratified in Parliament, the yeare 1567, is the true Religion, bringing men to Eternall Salvation, and doe detest all contrarie Errour.

Wee protest, That Episcopall Government in the Church, is lawfull, and necessarie: and, That the same is not opposed, and impugned, for anie Defect or Fault, eyther in the Government or Governours; but by the malice and craft of the Devill, envying the successe of that Government in this CHVRCH these manie yeares by-past, most evident, in planting of Churches with able and learned Ministers, recovering of the Church Rents, helping of the Ministers Stipends, preventing of these jarres betwixt the KING and the CHVRCH, which in former tymes dangerouslie infested the same, keeping the people in Peace and Obedience, and suppressing of Poperie, which in respect eyther of the number of their Professoures, or boldnesse of their Profession, was never at so lowe an ebbe in this Kingdome, as before these stirres.

Wee protest, That seeing these who for scruple of conscience did mislyke the Service-Booke, Canons, and high Commission, which were apprehended, or given foorth, to be the cause of the troubles of this Church, haue now received satisfaction, and his Majestie is graeciously pleased to forget and forgiue all offences by-past in these stirres; that all the Subjectes of this Kingdome may lue in Peace and Christian Loue, as becommeth faythfull Subjectes, and good Christians; laying aside all hatred, envye, and bitterness. And if anie shall refuse so to doe, they may beare the blame, and be thought the cause of the troubles that may ensue: and the same bee not imputed to vs, or anie of vs, who desire nothing more, than to lue in peace and concord with all men, vnder his MAJESTIES obedience, and who haue committed nothing agaynst the Lawes of the Kingdome, and Chureh, that may giue anie man just cause of offence; and are sofarre from wishing hurt to anie man, in his person, or estate, notwithstanding all the indignities and injuries wee haue suffered, that for quenching this present Combustion, and setling Peace in this Church, and Countrey, wee could bee content, after clearing of our innocencie, of all thinges where-with wee can bee charged, not onelie to lay downe our Bishoprickes at his Majesties feet, to be disposed of at his Royall pleasure; but also, if so bee, it pleased GOD, to lay downe our lyues, and become a Sacrifice, for this Atonement.

Wee protest, in the sight of GOD, to Whom one day wee must giue Account, That wee make vse of this DECLINATOR, and PROTESTATION, out of the conscience of our ductie to GOD, and His CHVRCH; and not out of feare of anie guiltinesse, whereof anie of vs is conscious to himselfe, eyther of wickednesse in our lyues, or miscarriage in our Callings: being content, everie one of vs, for our owne particular, (as wee haue never showne our selues to bee otherwyse) to vnder-goe the lawfull, and moste exact Tryall, of anie competent Judicatorie within this Kingdome, or of his Majesties high Commissioner.

And wee moste humbly intreat his Grace, to intercede with the King's Majestie, That hee may appoynt a Free and Lawfull Generall Assemblie, such as GOD'S Word, the practise of the Primitive Church, and Lawes of the Kingdome doe prescribe, and allowe, with all convenient speed, to the effect, the present Distractions of the Church



may be settled. And if there be anie thing to be layd to the charge of any of the Clergie, of whatsoever degree, cyther in Lyfe and Manners, or Doctrine, or exercise of his Calling, and Iurisdiction, hee may bee heard to aunswere all Accusations, and abyde all tryall, cyther for clearing his innocencie, or suffering condigne punishment, according to his Transgressions: declyning alwayes this Assemblie, for the causes aboue-written. Lyke as by these Presentes, wee, and everie one of vs, declyne the same, the whole Members thereof, and Commissioners fore-sayd, directed therevnto, and everie one of them.

Wee protest, That this our PROTESTATION in respect of our lawfull absenece, may bee receaved, in the Name of vs vnder-subscribing for our selues, and in the Name of the CHVRCH OF SCOTLAND, that shall adheare to the sayde PROTESTATION, and in the Name of everie one of them, From our well-beloved, Doctor Robert Hamilton, Minister at Glasgow:

To whome, by these Presentes, wee giue our full Power, and expresse Mandate, to present the same in or at the sayde Assemblie, or where else, it shall bee necessarie to bee vsed; with all submission, and obedience, due to our Graecious Soveraygne, and his Majesties High Commissioner. And vpon the presenting and vsing thereof, Acts and Instrumentes to craue, and all other thinges to doe, that necessarie are requyred in such Cases: firme and stable holding, or for to holde, what hee, or anie of them, shall lawfullie doe in the Premisses.

In witnesse where-of, as wee are readie with our Blood, so with our Hand, wee haue subscrybed these Presentes, at the Palace of HOLIEROOD-HOUSE, NEW-CASTLE, and GLASGOW, the 16, 17, and 20 dayes of November, Anno 1638.

Et sic subscribitur.

Jo: S<sup>t</sup>i Andreæ Arch. [*Jo. Spottiswod.*]  
Pa: Glasgow. [*Patrick Lindsay.*]  
Da: Edinburgen. [*David Lindsay.*]  
Tho: Gallovidien. [*Thom. Sydserfe.*]  
Jo: Rossen. [*John Maxwell.*]  
Walterus Brechinen. [*Walter Whitfoord.*]

36. *His Majesty's Observations upon the draft copy of the Declinator.\**

CHARLES R.

I. The second reason to be advised with my Lord Commissioner, whether or not it be safe at this time to except against the Form of the Publication of the Indiction of the Assembly.

II. The third is a very good reason against the Proceeding of the Assembly, but will not infer a Nullity.

III. In all the reasons where the Assembly is called a pretended Assembly, it is His Majesties Pleasure, that the word *pretended* be deleted out of the Copy shewed to His Majesty.

IV. For the seventh reason, if it offend not the inferiour Clergie, His Majesty is contented with it.

V. In the ninth reason, to omit the precondemning of the Service-book, Book of Canons, and High Commission.

VI. The tenth reason is so full that the eighth may be totally omitted.

VII. The eleventh reason militates abundantly against all those who hold such Tenets, that they

cannot Voice in the Assembly, though it infer not an absolute Nullity of the Assembly.

VIII. The thirteenth *de loco into*, & *accessu tuto*, to be totally omitted.

IX. The fourteenth and last to be totally omitted.  
\* X. In the conclusion there is one clause marked by His Majesties own Hand, which is to be omitted.  
Whitehall, 19<sup>th</sup> October, 1638.

1638.—November 17.

37.—*Letter from the King to Hamilton.\**

HAMILTON,

Concerning our Preparations here, I have commanded the Comptroller to give you a full account, of which you may take publick notice, and declare, That as their Carriage hath forced me to take care to arm myself against any Insolence that may be committed: so you may give assurance that my care of Peace is such, that all those Preparations shall be useless, except they first break out with insolent Actions. Now for Answer to your Letter, it was never heard that one should be both Judge and Party: besides, the Lawfulness of the Judicatory must be condeseended upon, before any Cause can be therein lawfully determined: therefore I say that the Assembly can in no case be Judge of their own Nullities: yet you have reason, not onely to make good what I have promised, but also to promise them a new Assembly, upon the amendment of all the Faults and Nullities of this. I approve of both your Bargains, and shall take care that you shall not lose by them, and so I rest

Your assured constant Friend,

CHARLES R.

Whitehall,  
17 Nov. 1638.

1638.—November 20.

38. *Letter from Bishops of Ross and Brechin to the Commissioner.†*

MAY IT PLEASE YOUR GRACE,

What came from my Lord S. Andrews is herewith enclosed. We humbly and heartily thank your Grace for your excessive favour and kindness towards us: we must take it the more kindly, that we know at such a time it is to let others see what respect your Grace carries to our Coat; for our selves we could more willingly chuse a more sober diet and less ease: considering our own Sins, and the difficulties of the Times, do admonish us rather to fast than feast, to afflict our Souls rather than to relish any worldly pleasure. But above all we two for our selves, and in name of our Brethren, do with most thankful hearts acknowledg your Graeces most pious care of the Liberties of this poor distressed and distracted Church; and especially the solicitude and care your Grace hath, that our Protestation be orderly done, secretly kept, and seasonably presented, before either the Cause, or we that are Bishops, suffer wrong. It is that which now concerneth us most and is dearest to us, both for Conscience before God, and our credit to the present Age and future; and we cannot express how happy we are to have in this Exigent such a Pious and Noble Patron, careful and solicitous with the most tender affection both of our Cause and Persons, where otherwise (with the greatest loss, at least

\* Burnet, p. 91.

\* Burnet, p. 99.

† Ibid, p. 92.



hazard, can be, to discharge our Duty to God and his Church) we should be necessitated to do it our selves, and haply neither with so much safety nor honour. God will reward your Grace we are confident, and bless your Grace and yours; for we dare aver in this Division your Grace hath made choice of the better part. The Difficulties are great, the Hopes none, but too pregnant Fears to the contrary; yet it is the more like to be Gods Cause, that his Work may appear: and it may be called *digitus Dei*, and marvellous in our eyes. Mans extremity is Gods opportunity.

We have given Dr Hamilton our best directions, which we submit humbly to your Graces better Judgment, to add and command what you think fit: he needs no more Deputation, but the inserting of his name in the Procuratory, which is in the close of the Declinator. Above all we have recommended to him, a care that it may be timeously presented; but in this we trust only to your Grace.

As we pity the Difficulties your Grace is cast into, so shall we be earnest supplicants to God Almighty, to bless and preserve your Grace in this and all other Services, wherewith God and his Majesty hath trusted you.

Your Graces most humble  
and bounden Servants,  
John Rossen.  
Wal. Brechinen.

POSTSCRIPT.—What goes from my Lord of St Andrews directed to me, I beseech your Grace to open and read for your own use.

Hamilton, Nov. 20. 1638.

1638.—November 21.

89. *Letter from the King to Hamilton.\**

HAMILTON,

This is rather to give the reason of My Answer than the Answer it self, (you being to receive it at large by My Lord of Canterbury.) The truth is, that the same reason which made me blot out the whole Sentence before, hath made me desire to alter a word now; to wit, that I should not be thought to desire the abolishing of that in Scotland, which I approve and maintain in England, namely, the Five Articles of Perth: now the word content expresses enough my consent to have them surcease for the present; but the word pleased, methinks, imports as much as if I desired them to take them away, or, at least, were well pleased that they should do so. But I leave it to your ordering, so that you make it be clearly understood, that though I permit, yet I would be better pleased if they would let them alone; and so I rest,

Your assured constant Friend,  
CHARLES R.

Whitehall, 21<sup>th</sup> of  
Novemb. 1638.

1638.—November 21.

90, 91. *Letters from the King to Hamilton.†*

HAMILTON,

This is rather to shew you, that I do not forget you nor your pains, than for any Answer that your last Letter needs, it being more of Accounts than Demands. Onely I shall tell you, that you needed not to have made an Excuse for asking the Ten Thousand pounds Sterlin; for I know that there is but too much use for it, and the more I consider it, I

find you have the more reason: therefore I assure you that what may be done shall be done in this, and with what speed is possible; and so I rest

Your assured constant Friend,  
CHARLES R.

Whitehall,  
21 Nov. 1638.

HAMILTON,

I have heard this day that the Dean of Durham is dead, for the disposing of which Place, though I may have many Suiters, and (which is more) though heretofore I have had divers Intentions upon the disposing of that Place, for the better accommodating of my Service, the reason of which is now as forcible as ever; yet I have thought fit not to dispose of it till I might (if your stay be not longer than I expect) speak with you: and to shew you that I am not unmindful of the daily pains that at this time Balcanqual takes in my Service, I would let you see the case before I dispose of it, and have your Opinion, if he might not stay a little longer for another nearer my eye, and yet not dishearten him, when it may accommodate my Service another way; and so I rest

Your assured constant Friend,  
CHARLES R.

1638.—November 21.

92, 93. *Speech of Commissioner to the Assembly, and the King's offers to it.\**

MY LORDS and the rest of this REVEREND ASSEMBLY,

The making of long Harangues is not suitable either with my Education or Profession, much less with this Time, which now after so much talking ought to be a time of Action.

I pray God that as a great (and I hope the worst) part of mens Spirits have been evaporated into bitter and invective Speeches, so the best and last part of them may be reserved for Deeds, and these answerable to the Professions which have been made on all sides when this great Assembly should come.

For the Professions which have been made by Our Sacred Sovereign (whom God long preserve to reign over us) I am come hither by His command to make them good to His whole People, whom to His grief He hath found to have been poisoned (by whom I know not well, but God forgive them) with misconceits of His Intentions, concerning the Religion professed in this Church and Kingdom. But to rectifie all such Misconceptions of His Subjects, his Majesties desire is, that before this Assembly proceed to anything else, His Subjects may receive ample and clear satisfaction in these Points, wherein His Majesties gracious Intentions have been misdoubted, or glanced at, by the malevolent Aspects of such as are afraid that His Majesties good Subjects should see His clear mind through any other Glasses or Spectacles, than those they have tempered and fitted for them.

Those sinistrous Aspersions, dispersed by surmizes, have been especially two; first, as if there had been in His Majesty, if not some Intention, yet at least some inclination, to give way, if not to Alterations, yet to some Innovations in the Religion professed in, and established by the Laws of this Church and Kingdom.

I am confident that no man can harbour or retain any such thought in his breast any more, when His Majesty hath commanded that Confession of Faith,

\* Burnet, p. 93.

† Ibid, p. 100.

\* Burnet, p. 94.



(which you call the Negative) to be subscribed by all His Subjects whatsoever, and hath been Graciously pleased to put the Execution of this His Royal Command in your own hands.

The next false, and indeed foul and devilish Surmize, wherewith His good Subjects have been misled, is, that nothing promised in His Majesties last most Gracious Proclamation, (though most ungraciously received) was ever intended to be performed, nay, not the Assembly it self: but that only Time was to be gained, till His Majesty by Arms might oppress this His Own Native Kingdom; than which Report Hell it self could not have raised a blacker and falsier.

For that part which concerneth the Report of the Intention of not holding the Assembly, this Day and Place, as was first promised and proclaimed, (thanks be to God,) confuteth that Calumny abundantly; for the other of making good what His Majesty did promise in His last Gracious Proclamation, His Majesty hath commanded me thus to express His Heart to all His good Subjects.

He hath seriously considered all the Grievances of His Subjects, which have been presented to Him, by all and several of their Petitions, Remonstrances, and Supplications, exhibited unto Himself, His Commissioner, and Lords of His Secret Council, and hath graciously granted them all; and as He hath already granted as far as could be by Proclamation; so he doth now desire, that His Subjects may be assured of them by Acts of this General Assembly, and afterwards by Acts of Parliament respective.

And therefore he not onely desires, but commands, that all the Particulars he hath promised be first gone in hand with in this Assembly, and enacted, and then afterwards what His Subjects shall desire being found reasonable may be next thought upon, that so it may be known to God and the whole World, and particularly to all His good Subjects, how careful His Majesty is to discharge himself of all his Gracious Promises made to them; hoping that when you shall see how Royally, Graciously, and Faithfully His Majesty hath dealt with you, and all his Subjects, you will likewise correspond in loyal and dutiful Obedience, in chearful but calm and peaceable Proceeding, in all other business to be treated of in this Assembly: and because there shall be no mistake, I shall now repeat the Particulars, that you may see they are the same which were promised by His Majesties first Proclamation.

CHARLES R.

The Kings Majesty being informed, that many of His good Subjects have apprehended, that by the introduction of the Service-book and Book of Canons, the in-bringing of Popery and Superstition hath been intended, is Graciously pleased to discharge the said Books, and to annul all Acts made for establishing thereof; and for His good People their further satisfaction, is Graciously pleased to declare by me, that no other in that kind shall hereafter be introduced, but in a fair and legal way of Assembly, allowed by Act of Parliament, and the Laws of this Kingdom.

The Kings Majesty, as he conceived for the ease and benefit of the Subjects, established the High Commission, that thereby Justice might be administered, and the Faults and Errours of such persons as are made liable thereto taken order with, and punished with the more convenience, and less trouble to the People: but finding His Gracious Intentions to be herein mistaken, hath been pleased, likas he

is Graciously content, that the same be discharged, with all Acts and Deeds made for the establishing thereof, and is pleased to declare by me, that that Court or Judicatory, nor no other of that nature, shall be brought in hereafter, but in that way allowed by the Laws of this Kingdom.

And the Kings Majesty being informed, that the urging of the five Articles of Perth's Assembly hath bred Distractiion in the Church and State, hath been Graciously pleased to take the same into His consideration, and for the quiet and peace of Church and State, doth not onely dispense with the practice of the said Articles, but also discharges, and by these hath discharged, all and whatsoever Persons from urging the practice thereof, upon either Laiek or Ecclesiastic person whatsoever: and doth hereby free all His Subjects from all Censure and Pain, whether Ecclesiastical or Secular, for not urging, practising, or obeying them, or any of them, notwithstanding any thing contained in the Acts of Parliament or General Assembly, to the contrary.

And because it is pretended, that Oaths have been administred to Ministers at their entry, contrary and differing from that which is set down in the Acts of Parliament, His Majesty is pleased to declare and ordaine, that no other Oath shall be required of any Minister at his entry than that which is expressly set down in the Acts of Parliament; and this He is content be considered of in the Assembly, to be represented to the Estates of Parliament, and enacted as they shall find expedient.

And that it may appear how careful His Majesty is that no Corruption or Innovation shall creep into this Church, neither any scandal, vice, or fault of any person whatsoever censurable or punishable by the Assembly, go unpunished, it is his Majesties Pleasure, likas by these His Majesty does assure all His good People, that hereafter General Assemblies shall be kept as oft as the Affairs of this Kirk shall require: and to this purpose, because it is probable that some things necessary for the present Estate and Good of this Church may be left unperfected at this present Assembly, We do by these indict another Assembly to be holden at

And that none of Our Subjects may have cause of Grievance against the Procedure of Prelats, Our Pleasure is, that all and every one of the present Bishops, and their Successours, shall be answerable, and accordingly from time to time censurable according to their Merits by the Assembly, which His Majesty is likewise pleased be enacted in this present Assembly, and thereafter ratified in Parliament.

And to give all His Majesties good People good assurance that he never intended to admit any Alteration or Change in the true Religion professed within this Kingdom, and that they may be truly and fully satisfied of the Reality of His Intentions towards the maintainance of the Truth and Integrity of the same, His Majesty hath been pleased to require and command all His good Subjects to subscribe the Confession of Faith, subscribed by His dear Father in Anno 1580. and for that effect hath ordained the Lords of His Privy Council to take some speedy course whereby the same may be done through the whole Kingdom; which His Majesty requires likewise all those of this present Assembly to sign, and all others His Subjects, who have not done it already: and it is His Majesties Will, that this be inserted and registred in the Books of this Assembly, as a Testimony to Posterity, not onely of the sincerity of His Intentions to the said true Religion, but also of His Resolution to maintain and defend the same and His Subjects in the professing thereof.

C. R.



1638.—November 21:

94. *List of Members of the General Assembly at Glasgow, which met this day.\**

*Commissioner for the Kings Majestie,*

JAMES MARQUES OF HAMILTOUN.

*Commissioners from the Presbyteries of Scotland, both of the Ministrie, and of the ruling Elders, and of Burgeses, as they are within the Presbyteries.*

*Presbyterie of Dunce.*

Maister Alexander Carse minister at Polwart.

M. Iohn Hume Min. at Eeeles.

M. Thomas Suintoun min. at Saint Bathanes.

Sir David Hume of Wederburne Knight, Elder.

*Presb. of Chirruside.*

M. George Roul minister at Mordingtoun.

M. Thomas Ramsay min. at Foldoun.

M. Walter Swintoun min. at Swintoun.

James Earle of Home, Elder.

*Presb. of Kelso.*

M. Richard Symson min. at Sproustoun.

M. William Penman min. at Morbattle.

Andrew Ker of Lintoun, Elder.

*Presb. of Iedburgh.*

M. Robert Brounley min. at Kirketoun.

M. James Wilkie minister at Creling.

M. Robert Cunninghame min. at Hawiek.

Sir William Dowglas of Cavers, Elder.

Robert Simpson, burgesse of Iedburgh.

*Presb. of Erstiltoun.*

M. Iohn Matland min. at Glenkirk.

M. Harie Coekburne min. at Gingil Kirk.

Iohn Lord Craunstoun, Elder.

M. Alexander Hume, bailie, burgesse of Lawder.

*Presb. of Melrosse or Selkirke.*

M. William Iameson min. at Langnewtoun.

M. Robert Martin min. at the new kirk of Ettrick.

M. Iohn Knox min. at Bowdoun.

Sir Iohn Ker of Cavers, Elder.

*Presb. of Dumbar.*

M. Patriek Hammiltoun min. at Innerweek.

M. Iohn Lawder min. at Tuninghame.

M. Iohn Dalyel min. at Prestoun Kirk.

Sir Patrick Hepburn of Waghtoun, Knight, Elder.

George Purves, burgesse of Dumbarre.

M. Patrick Hume, burgesse of North-berwick.

*Presb. of Hadingtoun.*

M. Iohn Ker minister at Salt-prestoun.

M. Iames Fleeming minister at Bathans.

M. Iohn Oswald minister at Pencaitland.

Iohn Lord Hay of Yester, Elder.

M. George Gray, common clerk, burgesse of Hadingtoun.

\* Appendix to an answer to the Protestation for Prelates, in Dr M'Crie's Collection of Pamphlets, certified by Archibald Jhonston, the Clerk, compared with List in Stevenson's History, and corrected by the original Commissions. It appears from the original Commissions still extant, and indorsed in the handwriting of Mr ARCHIBALD JHONSTON, the Clerk, as "produced and approved 24 November 1638," that three Elders from Dumfriesshire, are omitted in this Roll—viz., Iohn Kennedie of Halleaths, bailie of Lochmaben, Walter Millar, clerk of Annan, and William Grierson, bailie of Sanquhar. The number of Members whose commissions were sustained, amounted at least to 140 Ministers and 100 Ruling Elders.

*Presb. of Dalkeith.*

M. Iames Porteous minister at Lesswade.

M. Iames Robertson minister at Craunstoun.

M. Olivhar Colt minister at Inneresk.

William Earle of Louthian, Elder.

*Presb. of Edinburgh.*

M. Andrew Ramsay minister in Edinburgh.

M. Harie Rolloek minister in Edinburgh.

M. William Colvin minister at Cramond.

Iohn Lord of Balmerino, Elder.

Iames Cochran, Dean of Guild in Edinburgh.

Thomas Paterson, burgesse of Edinburgh.

M. Iohn Adamson, Principle of the University of Edinburgh.

*Presb. of Linlithgow.*

M. Richard Dickson minister at Kinneill.

M. Andrew Keir minister at Carriden.

M. Iames Symson minister at Bathgate.

George Dundas of that ilk, Elder.

Iames Glen, Provost of Linlithgow.

*Presb. of Sterling.*

M. Iames Edmiston minister at Saint Ninians.

M. William Iustice minister at Gargunnock.

M. Edward Wright minister at Clackmannan.

Sir William Murray of Toughadame, Elder.

Thomas Bruce, Provost of Sterling.

*Presb. of Peebles.*

M. Iohn Bennet minister at Kirkurde.

M. Robert Levingstoun min. at Skirling.

M. Hew Ker minister at Traquare.

Iames Williamson, Provost of Peebles.

*Presb. of Middlebie.*

M. Simeon Iohnstoun minister at Annan.

M. Iohn Hammiltoun minister at Wasterkirk.

Iames Lord Iohnstoun, Elder.

*Presb. of Lochmaban.*

M. Robert Henderson minister at Lochmaban.

M. David Roger minister at Tundergarth.

Iames Dowglas of Moussewald, Elder.

*Presb. of Penpont.*

M. George Cleland minister at Durisdier.

M. Samuel Austine minister at Penpont.

William Ferguson of Craigdarroch, Elder.

*Presb. of Dumfreis.*

M. Iames Hammiltoun minister at Dumfreis.

M. William Makjore minister at Carlaverock.

M. Alexander Tran minister at Lochroytoun.

Iohn Charteris younger of Amesfield, Elder.

Iohn Irving, late Provost of Dumfreis.

*Presb. of Kirkcubright.*

M. Samuel Rutherford minister at Anweth.

M. William Dalglish minister at Kirkmabreck.

M. Iohn Makleland minister at Kirkcubright.

Alexander Gordoun of Earlstoun, Elder.

William Glendinning, Provost of Kirkcubright.

Robert Gordoun of Knokbrex, burgesse of New-Galloway.

*Presb. of Wigtoun.*

M. Andrew Anderson minister at Kirkinner.

M. Andrew Lawder minister at Wlithorne.

Andrew Agnew of Lochnaw, Elder.

Alexander Makghie, burgesse of Wigtoun.

*Presb. of Stranrawer.*

M. Iohn Levingstoun minister at Stranrawer.

M. Iames Blair minister at Portmontgomerie.

M. Alexander Turnbull minister at Kirmaden.

Robert Adair of Kinlilt, Elder.

Iames Glover, Clerk of Stranrawer.

*Presb. of Air.*

M. Iames Bonar minister at Mayboll.

M. Iohn Fergushill minister at Vehiltrie.

M. Robert Blair minister at Air.

Iohn Earle of Cassils, Elder.

Iohn Stewart, late Provost of Air.



*Presb. of Irwing.*

- M. David Diekson minister at Irwing.  
 M. William Russell minister at Kilbirnie.  
 M. Robert Baillie minister at Kilwinning.  
 John Lord Lowdoun, Elder.  
 M. Robert Barclay, Provost of Irwing.  
 Mathew Spense, the Provost of Rothesay.

*Presb. of Argyle.*

- M. Donald Makilvorie min. at Inveraray.  
 M. Nicol Makecalman min. at Kilmun.  
 M. James Campbell minister at Kilfinnan.  
 Archibald Campbell of Kilmun, Elder.

*Presb. of Dumbartane.*

- M. David Elphinstoun min. at Dumbartane.  
 M. Robert Watson minister at Cardrosse.  
 M. John Stirling minister at Badernoek.  
 Walter Makalley of Ardincapill, Elder.  
 John Sempill, Provost of Dumbartane.

*Presb. of Paislay.*

- M. William Brisbane minister at Erskine.  
 M. John Hammiltoun minist. at Innerkip.  
 M. Matthew Brisbane minister at Killellan.  
 John Brisban of Bishoptoun, Elder.  
 John Spreull, burgesse of Ranfrew.

*Presb. of Glasgow.*

- M. John Bell elder minister at Glasgow.  
 M. Zacharie Boyd minister at the Barrony Kirk thereof.  
 M. James Sharpe minister at Goven.  
 The Earle of Eglingtoun, Elder.  
 Patriek Bell, Provost of Glasgow.  
 David Spense, Clerk of Rutherglane.

*Presb. of Hammiltoun.*

- M. Patriek Hammiltoun minister at Cambuslang.  
 M. James Iohnstoun minister at Stenhouse.  
 M. John Heriot minister at Blantyre.  
 William Bailzie of Carphin, Elder.

*Presb. of Lanerk.*

- M. William Livingstoun minister at Lanerk.  
 M. Alexander Somervell minister at Daulfingtoun.  
 M. Richard Ingles minister at Westoun.  
 Sir William Bailzie of Lamingtoun, Elder.  
 Gideon Iack, Bailie of Lanerk.

*Presb. of S. Andrews.*

- M. Alexander Henderson minister at Luchers.  
 M. Andrew Auchinleck minister at Largo.  
 M. James Bruce minister at Kingsbarnes.  
 John Lord Sinelar, Elder.  
 James Sword, burgesse of Saint Andrews.  
 Ninian Hamiltoun, burgesse of Carail.  
 Thomas Symson, Town-Clerk of Kilrinnie.  
 William Hamiltoun, burgesse of Anstruther-easter.  
 John Tullous, Clerk of Anstruther-wester.  
 James Airth, Clerk of Pittenweeme.

*Presb. of Couper.*

- M. David Dalgleish minister at Cowper.  
 M. John Monereiffe minister at Collessie.  
 M. Walter Buchannan minister at Seres.  
 John Lord Lindsay, Elder.  
 George Jameson, merchand, burgesse of Cowper.

*Presb. of Kirkaldie.*

- M. Robert Dowglasse minister at Kirkaldie.  
 M. Frederik Carniehaell minister at Kennoway.  
 M. Robert Cranstoun minister at Seoonie.  
 John Earle of Rothes, Elder.  
 John Williamson, burgesse of Kirkaldie.  
 David Symson of Monturpie, burgesse of Dysart.  
 M. Robert Cunyghame, burgesse of Kinghorne.  
 George Gairdine, burgesse of Bruntland.

*Presb. of Dumfermline.*

- M. John Row min. at Carnok.  
 M. John Duncan minister at Culrosse.  
 M. James Sibbald minister at Torrie.

- Robert Lord Burley, Elder.  
 James Reid, Provost of Dumfermline.  
 Gilbert Gourley, Bailie of Culrosse.  
 John Bardie, Burgesse of Innerkethin.

*Presb. of Dumblane.*

- M. Harie Livingstoun minister at Kipping.  
 M. Andrew Rind minister at Tullieutrie.  
 M. William Edmiston minister at Kilmadoek.  
 Sir George Stirling of Keir, Knight, Elder.

*Presb. of Auchterardour.*

- M. George Mushet minister at Doning.  
 M. James Row minister at Muthill.  
 M. John Grahame minister at Auchterardour.  
 James Earle of Montrose, Elder.

*Presb. of Perth.*

- M. Robert Murray minister at Methven.  
 M. John Robertson minister at Perth.  
 M. Alexander Petrie minister at Rind.  
 John Earle of Weemes, Elder.  
 Thomas Durhame, Dean of Guild in Perth.

*Presb. of Dunkeld.*

- M. William Menyies min. at Kenmure.  
 M. John Anderson minister at Cargill.  
 Mungo Campbell, fiar of Lawers, Elder.

*Presb. of Meggill.*

- M. George Symmer minister of Meggill.  
 M. George Halyburtoun minister at Glenhylla.  
 James Lord Cowper, Elder.

*Presb. of Dundie.*

- M. Andrew Wood minister at Monyfooth.  
 M. John Robertson minister at Achterhouse.  
 David Grahame of Fentrie, Elder.  
 James Fletcher, prov. of Dundie.

*Presb. of Forfar.*

- M. John Lindesay minister at Aberlemno.  
 M. Silvester Lammy minister at Glames.  
 M. Alexander Kynniumont minister at Kirimure.  
 James Lyon of Aldbarre, Elder.  
 David Hunter, Provost of Forfar.  
 John Grahame, Bailie of Montrose.  
 Robert Demster, Bailie of Breehen.

*Presb. of Merns.*

- M. James Sibbald minister at Benholme.  
 M. Andrew Mill minister at Fetteresso.  
 M. Alexander Symson minister at Conveth.  
 Sir Gilbert Ramsay of Balmain, Elder.

*Presb. of Aberdene.*

- M. David Lyndesay minister at Balhelvie.  
 M. William Guild minister at Aberdene.  
 James Skien of that ilk, Elder.  
 M. John Lundie Humanist for the Univer. of Aberd.

*Presb. of Deir.*

- M. Andrew Cant minister at Pitsligo.  
 M. James Martine minister at Peterhead.  
 M. Alexander Martine minister at Deir.  
 Alexander Fraser of Fillorth, Elder.

*Presb. of Alford.*

- M. John Young min. at Keig.  
 M. John Ridfurd minister at Kinbetrock.  
 M. Andrew Strachan minister at Tillineshill.  
 M. Michael Elphinstoun of Balabeg, Elder.

*Presb. of Turreffe.*

- M. Thomas Michell minister at Turreffe.  
 M. William Dowglasse minister at Forg.  
 M. Geo. Sharpe min. at Fyvie.  
 Walter Barclay of Towie, Elder.

*Presb. of Kinkairne.*

- M. Alexander Robertson minister at Clunie.  
 Presb. of Garioch.

*Presb. of Garioch.*

- M. William Wedderburn minister at Bathelnie.  
 Andrew Baird, burges of Bamfe.  
 Presb. of Forresse.  
 M. William Faleoner minister at Dyke.  
 M. John Hay min. at Raffert.



- M. David Dumbar minister at Edinkaylly.  
William Rosse of Clova, Elder.  
M. Iohn Dumbar, Bailie of Forresse.  
*Presb. of Innernesse.*
- M. Iohn Howisoun minister at Wartlaw.  
M. Patrick Dumbar minister at Durris.  
James Fraser of Bray, Elder.  
Robert Bailie, Bailie of Innernesse.  
*Presb. of Tain.*
- M. Gilbert Murray minister at Tain.  
M. William Mackeinyie minister at Tarbet.  
M. Hector Monro minister in nether Taine.  
Sir Iohn Mackenzie of Tarbet, Elder.  
M. Thomas Mackculloch, Bailie of Taine.  
*Presb. of Dingwall.*
- M. David Monro minister at Kiltairne.  
M. Murdoch Mackeinyie minister at Containe.  
Iohn Monro of Lumlair, Elder.  
*Presb. of Dornoch in Sutherland.*
- M. Alexander Monro minister at Golspie.  
M. William Gray min. at Clyne.  
George Gordon, brother to the Earle of Sutherland, Elder.  
*Presb. of Thurso in Caithnes.*
- M. George Lesly minister at Bower.  
M. Iohn Smairt.  
Iohn Murray of Pennyland, Elder.  
*Presb. of Kirkwal in Orkney.*
- M. David Watson minister at the Kirk of the Yle of Wastrey.  
M. Walter Stewart minister at the Kirk of Sutherlandsay.

NOTE.—Since the first Part of this publication appeared, the second centenary of the Assembly 1638 has been celebrated at Glasgow and Edinburgh, (on 20th December 1838,) as well as in other considerable towns of Scotland; and this commemoration has been conducted with a degree of éclat unexampled perhaps within the memory of man, in reference to any ecclesiastical concerns. We are not called on to make any remarks as to the appropriateness and sound discrimination displayed in all these demonstrations; but we gladly avail ourselves of the present opportunity of enriching these pages with an extract from a speech made by the Rev. Dr Lee, of Edinburgh, at Glasgow, on the occasion alluded to. We place it here in juxtaposition with the authentic list of the members of Assembly of 1638, because it affords the best illustration we could give of the composition of that Assembly, and is a satisfactory refutation of certain ignorant or malignant representations on the subject; and we are proud thus to record our respect for that excellent and accomplished gentleman, whose store of information, with regard to the history and constitution of the Church of Scotland, exceeds, we believe, that of any other individual, both for fulness and exactness:—

“If your time had permitted, I might have endeavoured to shew in what manner and degree the Assembly 1638, and those which followed after, as well as some which had preceded it half a century, contributed to the establishment of the highest and finest University education. Among the other great objects in which that Assembly so happily and successfully engaged, none was nearer their hearts, or better accomplished. It was their aim to establish all the Universities, Colleges, and Schools in a state of high efficiency; and, with this view, they reclaimed for the Church the power of visitation formerly exercised, that the religious character and consistent practice of all Principals, Regents, and Professors might be satisfactorily ascertained, as well as their aptitude for their stations; and that whatever was deficient might be supplied, and whatever was disordered or corrupt might be rectified.

“For this difficult undertaking, the members of

1638.—November 22.

95. *Letter from the Bishop of Ross to Hamilton.*

MY LORD, MAY IT PLEASE YOUR GRACE,

This Worthy Gentleman hath desired my Judgment concerning three things: first, concerning the

that Assembly were generally qualified in no ordinary degree. It has, indeed, been alleged that a large proportion of the elders consisted of illiterate men. I have seen it asserted in several books of late, even in some written by Presbyterians, that many of those in that Assembly, who judged of the gravest questions concerning theological learning and soundness in the faith, could neither read nor write. There is no authority for this insinuation, except the random assertion of Bishop Burnet—supposed sometimes to have been a contemporary, though he was not born for five years afterwards—the value of whose testimony on this matter may easily be estimated by any one who observes what he has confidently, though most ignorantly and erroneously, stated, with respect to Ruling Elders—that the mixture of that class with the Ministers in Church Courts was then quite a new thing; for, though such officers had formerly been allowed to interfere in parochial discipline, ‘yet they never came to their Assemblies till the year 1638.’ So far is this from being true, that, from the very first, Elders had convened in great numbers with the Ministers at the General Assemblies—there was even a preponderance of them in the earliest of all the Assemblies, in 1560—inso-much that, long before Burnet wrote, or even was born, several Bishops of Scotland, such as Adamson and Maxwell, had published complaints against decisions of the Assembly, on the ground that they had been carried by the votes of Lay Elders, as they called them. If the Elders were unable to read or write, so much the less credit is due to the system of education which had prevailed nearly forty years before 1638, under auspices not Presbyterian; and so much the greater credit should be given to the Presbyterians for the improvements by means of which, as Burnet frankly confesses, they brought the people generally to a most surprising measure of knowledge, particularly on theological points, and to a corresponding measure of practical piety.

“But I think it of some consequence to vindicate the claims of the Assembly 1638 to the character of a learned Assembly. Well, then, what is the fact? It is ascertained that in that Assembly there were 140 Ministers; 2 Professors, not being ministers; and 98 Ruling Elders from Presbyteries and Burghs. Of these Ruling Elders, 17 were Noblemen of high rank; 9 were Knights; 25 were landed Proprietors, or lesser Barons, of such station as entitled them to sit in Parliament; and 47 were Burgesses, generally holding the principal offices of authority in their respective towns—men who were capable of representing their communities in the Parliament. There was not a peasant, as has been insinuated, or even a farmer or yeoman, in the number. About the least considerable persons present were, Mr Alex. Hume, bailie of Lawder, and Mr Patrick Hume, burgess of North Berwick. Both of these, as well as many others of the members from the burghs, were masters of arts, having had a complete university education, and having obtained their degrees after regular examination. From what I know of the personal history of many of these men, and from documents which I have seen and now possess, I could undertake to prove that not one was illiterate. About twenty years ago, I acquired most of the original commissions of the members of the Assembly 1638. These documents are subscribed generally by the whole constituents of the Commissioners—namely, by Ministers, by Elders, by Magistrates, and Councillors. The signatures are, for the most part, in a superior style of penmanship;



production of a Letter from His Majesty to the Assembly, directed to the Archbishops, Bishops, and Ministers, whether or not this can be produced, and any Note made upon it, before there be a Moderator condescended upon. My humble Opinion is, (which I humbly submit to your Graces better Judgment) that the Letter be presented, given by your Grace to the Clerk, and read by him. Here it is most like your Grace will be pressed, that the Letter is directed to an Assembly that cannot be without a Moderator, and yet on purpose to get a Moderator by Election, and an Assembly established; to which in my Judgment it may be replied, that it may be that the King's Letter containeth something to that purpose, which, therefore, is to be read, and noted by the Clerk as produced only. The second is concerning the examination of the Commissions and Commissioners: My Lord, it is certain that both are most illegal, and there is more than sufficient ground from this one (if there were no more) to void this Assembly and make it null. But how to begin at this I see not so well, for if the Commissions and Commissioners be rejected, then how shall the King's Real and Royal Intentions be manifest to the subjects, which is most necessary, that the Faction may not have advantage to possess good and loyal Subjects, that His Majesty is only deluding them for other ends. On the other part, if your Grace approve the Commissions and Commissioners, how far King and Church shall suffer, your Grace is wiser to conceive than I am able to express. The third is concerning the Declinator, when it shall be proposed or presented to your Grace; My Lords of Glasgow and Brechin are fully of that mind, that at the very first it is to be used before the Assembly be estab-

lished: their Reasons seem very pregnant, first, because all Declinators are used so; next, if the Assembly be once established, how can it be declined, or your Grace admit our Declinator or Protestation?

and it is not credible that such men would elect persons to represent them who were less educated than themselves. Moreover, the signatures of the Elders who sat in the Assembly might have been known by Bishop Burnet to be appended to the National Covenant—that great bond by which the people of this land engaged to maintain the true principles of the Reformation, as founded in the Word of God. Many of these documents, studded with innumerable subscriptions, are still extant.

“But how did this Assembly, and those which followed, fulfil their purposes with respect to the Universities? They not only appointed visitations, but they prevailed on the Government greatly to enlarge the provision for the maintenance of the Universities, so that they were enabled to increase the number of Professors, and to augment their incomes; thus making it practicable to admit the youth to the benefit of their instructions on the easiest terms. They did not despise or discourage the most elegant accomplishments. On the contrary, the Assembly of 1645, following out the views of preceding assemblies, deplored the great decay of poesy, and the ignorance of prosody, and ordained that, in the trial of Schoolmasters, for burghs or other considerable parishes, none should be admitted but such as after examination should be found skilful in the Latin tongue, not only for prose, but also for verse; and the same Assembly introduced other regulations for advancing the study, not only of Greek, but of all the branches of Philosophy. But the chief recommendation of the system, then prescribed and practised, was, that the nurture and admonition of academical youth was sanctified by the Word of God, and by prayer. The study of the Scriptures was a college exercise. The young were trained to habits of devotion. The catechisms, and other manuals of religious instruction, were translated into Latin, and carefully taught; and, by such provisions as these, the influence of piety was diffused over the paths of solid learning.”

My Lord, seeing two things are mainly to be looked to, the one that His Majesties Pious Intentions be made known to this present Meeting; the other, that the Church suffer no prejudice; my humble Opinion is, that first the King's Letter (as I have said) be read, and marked *Produced*; next immediately after, our Declinator produced, and presented to your Grace, read in audience of all, Instruments taken in the Clerk-Registers hands, and it marked by the Clerk *Produced*. Then your Grace may, by your own Wisdom, conceive a brief Speech, excusing your self that you are not so well acquainted with the Formalities and Legalities of Church-meetings; yet that seeing in such Distractions and Combustions all things cannot be done in that orderly way is requisite, and that your Grace does know how that, with a most earnest and Fatherly Care, His Majesty endeavours the binding up of this breach, and the restoring of Church and State to Quiet and Peace, and that your Grace, for that Duty you owe to your Master, and Love you have to your Native Country, will leave nothing undone that is in your power, and incumbent to a Faithful Servant and kind Patriot, and therefore will adventure to chuse rather to erre in formal Errours: than to leave so material and necessary a Work at such an exigent of time; and so seeing there is no Archbishop nor Bishop present, your Grace by connivence will permit them (for how your Grace can allow it I see not) to chuse a Moderator, and will not fall upon that shelve or rock of Examination of Commissions or Commissioners; being confident that if matters go on in a moderate way, what shall be agreed upon shall be liked by all, even those that are taken to be their Party; and what is amiss in Formality and Legality, if no error be in the matter of the Conclusions, may most easily and speedily be helped. After the Moderator is condescended upon, the first thing your Grace would urge is the Registrating the Kings Letter in the Books of the Assembly, then the Registrating of our Declinator. After this your Grace will be careful, that nothing be proposed till what is in His Majesties Declaration be enacted, and if (this being done) they fall upon any extravagancy, your Grace then may by advice of the Council declare, that seeing they will not hold Moderation, your Grace and the Council must examine their Commissions and Commissioners, (to which before you gave connivence) and discuss the relevancy of our Declinator.

This Course kept, in my poor Judgement, will fully manifest to all His Majesties pious Intentions, evidence your Graces sincere affection to Religion and the Kingdom, preserve our Right, make them unexcusable, let the People see how unreasonable and immoderate they are, and give to your Grace a fair way and ground, to discontinue and discharge the Meeting under pain of Treason. This my weak and poor opinion I have made bold to declare to your Grace, not out of any confidence in my self, but necessitated because of that Obedience I owe your Grace, and true affection to the Peace of Church and State, which with myself, and all my endeavours, I humbly prostrate to you, and submit to your Grace's better Judgement.

I humbly beg of your Grace to let me know by this Gentleman, what shall be done with our Declinator, and let him come and speak with my Lords



of Glasgow, Brechin, and me, that we may be acquainted by him of your Graces commands. God in his mercy bless you in this difficult Work.

Your Grace's most humble  
and bounden Servant,  
Jo. ROSSEN.\*

Castle of Glasgow,  
22<sup>th</sup> Nov. 1638.  
at 7 a clock in the  
morning.

1638.—November 27.

96. *Letter from Hamilton to the King.\**

MOST SACRED SOVEREIGN,

When I consider the many, great, and most extraordinary favours, which your Majesty hath been pleased to confer upon me; if you were not my Sovereign, gratitude would oblige me to labour faithfully, and that to the uttermost of my power, to manifest my thankfulness. Yet so unfortunate have I been in this unlucky country, that though I did prefer your service before all worldly considerations, nay, even strained my conscience in some points, by subscribing the negative confession; yet all hath been to small purpose; for I have missed my end, in not being able to make your Majesty so considerable a party as will be able to curb the insolency of this rebellious nation, without assistance from England, and greater charge to your Majesty, than this miserable country is worth. As I shall answer to God at the last day, I have done my best, though the success has proven so bad, as I think myself of all men living, most miserable, in finding that I have been so useless a servant to him, to whom I owe so much. And seeing this may perhaps be the last letter that ever I shall have the happiness to write to your Majesty, I shall therefore in it discharge my duty so far, as freely to express my thoughts in such things as I do conceive concerneth your service. And because I will be sure that it should not miscarry, I have sent it by this faithful servant of your Majesty's whom I have found to be so trusty, as he may be employed by you, even to go against his nearest friends and dearest kindred.

Upon the whole matter, your Majesty has been grossly abused by my Lords of the clergy, by bringing in those things in this church, not in the ordinary and legal way. For the truth is, this action of theirs is not justifiable by the laws of this kingdom; their pride was great, but their folly greater; for if they had gone right about this work, nothing was more easy, than to have effected what was aimed at. As for the persons of the men, it will prove of small use to have them characterized out by me, their condition being such, as they cannot be too much pitied; yet, lest I should lay upon them a heavier imputation, by saying nothing, than I intend, therefore I shall crave leave to say this much. It will be found that some of them have not been of the best lives, as St Andrews, Brechin, Argyle, Aberdeen; too many of them inclined to simony; yet, for my Lord of Ross,† the most hated of all, and generally by all, there are few personal faults laid to his charge, more than ambition, which I cannot account a fault, so it be in lawful things. But, Sir, to leave them, and come to those whom I conceive it is more necessary you should know, your officers and counsellors, of whom I shall write

without spleen or favour, as I shall answer to him at the last day, to whom I must give an account (I know not how soon) of all my actions.

Your Treasurer,\* his ambition has been great, and his labouring popularity has certainly prejudiced your service. Nothing could gain him that name sooner, than by opposing the clergy; and the differences betwixt them hath marred all; to which those of the Council did not only hold hand to, but encouraged him to it, as much as in them lay; and here again, I say, they gave too just reason to meet with opposition. He is a most active man, and hath many excellent parts. What his bypast carriage hath been, is as well, if not better known to your Majesty than me; but he doth now labour certainly what lieth in him, to advance your Majesty's ends; and hath oft solemnly sworn to me, that in defence of episcopal government he will spend his life and fortune. For those particulars wherewith he hath been taxed, as being guilty of abusing your Majesty, in the execution of his place, as Treasurer, he will, in my opinion, justify himself. Howsoever (considering these present times) you must make use of him, and your Majesty should be wary of giving him discontent.

As for my Lord Privy Seal,† I shall not need to say much of him, he being so well known to your father (of blessed memory) whose judicious character of him to yourself, is so true, as I shall neither add nor pare. He hath likewise declared himself to me for episcopal government; but I like not his limitations; yet you must make use of him, for he is a powerful man in this country.

The Marquis of Huntley is unknown to me, more than in general; but much disliked is he here (yet not the worse for that) traduced not only to be popishly inclined, but even a direct Roman Catholic; nay, they spare not to tax him with personal faults. But howsoever, this I am sure of, since my coming here, he hath proved a faithful servant to you; and I am confident will be of greater use, when your Majesty shall take arms in your hand.

The Earl of Argyle is the only man now called up as a true patriot, a loyal subject, a faithful counsellor, and above all, rightly set for the preservation of the purity of religion. And truly, Sir, he takes it upon him. He must be well looked to; for it fears me, he will prove the dangerousest man in this State. He is so far from favouring episcopal government, that with all his soul he wishes it totally abolished. What course to advise you to take with him, for the present, I cannot say; but remit it to your Majesty's serious consideration. The information which you have had from Antrim, the most part of it I take to be true.

Perth hath been taxed to be a Roman Catholic; but I find him none. A loyal heart he hath, but no great politician, nor of much power out of the Highlands, and should be encouraged, because he may contribute to the curbing of Argyle.

Tullibardin, I take him to be honest; your Majesty knoweth his abilities. He is a true hater of Argyle.

Wigton, thanks be to God, hath no great power, for if he had it, it would be employed the wrong way. Sorry I am for it, his ancestors have been so dear friends to mine.

Kinghorn, I am grieved for his weakness. A good man he is, but totally misled by his brother Albar, who will succeed in his place, he having no children. Too near of kindred he is to me.

Haddington has too much the humour of these

\* Burnet, p. 96.

† Hardwicke's State Papers, vol. ii., p. 113.

‡ Maxwell.

\* Traquair.

† Roxburgh.



times ; but he hath oft sworn to me, he will never ask what your quarrel is ; yet few of his friends I fear will go along with him in it, in defence of episcopacy.

As for Lauderdale, he is a man of no great power ; but he is truly honest, and most rightly set in all that concerneth your service.

Southesk hath, beyond all expectation, shewn himself forwardly stout in all that hath concerned your service, ever since my coming first to this country. He is a man of great power, rich, and was extremely beloved ; but now as much hated. He doth deserve your Majesty's favour, on my word ; and, if not for one consideration, none were fitter to be Chancellor, which I shall advise your Majesty not to dispose of till these troubles be past.

Kinnoul, for his part, hath shewn himself both true and forward in all your service ; in whom your Majesty may have confidence, according to his power.

Finlater, according to his power, hath done his part, as I hear by the Marquis of Huntley.

Linlithgow, if his power were according to his affection, he would be useful to you.

I must not forget Dalzell, who both is of power to serve you, and has most faithfully done it.

As for the rest of the Council, they are either of no power to serve you in this time, or totally set the covenanters way. For brevity I pass them by, and have sent a list of the whole Counsellors names.

If the Justice Clerk\* were not so near me as he is, I would say more of him than now I will ; yet pardon me for saying, an honest soul lives not.

The Advocate† should be removed, for he is ill disposed. I know none so fit for his place as Sir Lewis Stewart. My Lord Treasurer's friend he is ; Sir Thomas Nicolson being no ways to be trusted in what may concern the affairs of the church.

Now, for the Covenanters, I shall only say this in general, they may all be placed in one roll as they now stand. But certainly, Sir, those that have both broached the business, and still hold it aloft, are Rothes, Balmerino, Lindsay, Lothian, Loudoun, Yester, Cranstoun. There are many others as forward in show ; amongst whom none more vainly foolish than Montrose. But the above mentioned are the main contrivers.

The gentry, boroughs, and ministers have their ringleaders too. It will be too long to set down all their names. Those who I conceive to be most inclined, the Clerk Register (who is a faithful servant to the Crown) if I miscarry, will give you information of them ; yet, I fear him, poor man, more than myself. But they are obvious and known to all.

This is all that I will say concerning the persons of the men in this kingdom ; wishing, Sir, with my heart, those whom I misdoubt, I may be deceived by their future carriage, and that their loyalty may appear, which will blot out of your Majesty's memory what my duty and fidelity to you has caused me to write thus of them.

It is more than probable, that these people have somewhat else in their thoughts than religion. But that must serve for a cloak to rebellion, wherein for a time they may prevail ; but, to make them miserable, and bring them again to a dutiful obedience, I am confident your Majesty will not find it a work of long time, nor of great difficulty, as they have foolishly fancied to themselves. The way to effect which, in my opinion, is briefly thus.

Their greatest strength consists in the boroughs ; and their being is by trade ; whereof, a few ships of your Majesty's, well disposed, will easily bar them. Their chiefest trade is in the eastern Seas and to Holland, with coal and salt, and importing of victual, and other commodities from thence ; whereof if they be but one year stopped, an age cannot recover them ; yet so blinded they are, that this they will not see. This alone, without farther charge to your Majesty, your frontiers being well guarded, will work your end. This care should be taken, that when particular boroughs can be made sensible of their past errors, and willing to return to their allegiance, they be not only then not barred from trade, but received into your Majesty's favour and protection.

In my opinion, your ships would be best ordered thus, eight or ten to lie in the Firth. There should be some three or four plying to and again betwixt the Firth and Aberdeen, so long as the season of the year will permit them to keep the seas ; and when they are not longer able, they may retire into the Firth ; in which there are several places in which they may ride in all weathers.

Those ships that lie in the Irish seas, will be sufficient to bar all trade from the west of Scotland. The fittingest places are between Arran and the coast of Galloway. When the weather is foul, there is an excellent road in Galloway called Lochyen ; and another in Arran called Lamlash, or the Holy Island ; where they may ride in safety. This is all I shall say concerning the barring them of trade.

This will certainly so irritate them, as all those who within this country stand for your Majesty, will be in great and imminent danger. The best way, that for the present I can think on to secure them, and to make some head for your Majesty, is, to appoint the Marquis of Huntley in the north, your Majesty's Lieutenant ; with full power to him to raise such and so many men, as he shall think convenient for the defence of the country. By this means, there being a head, those that are in the north will know to whom to repair ; and there is no doubt but in those parts they will do well enough.

For those that are besouth the river Forth, I apprehend their danger most ; and I would advise that there were lieutenants likewise appointed, to whom they might repair. Necessity will force your Majesty upon one of two, either Traquair or Roxburgh ; or, indeed, both, for they may both have commissions. They may be well furnished with arms, and other things necessary, from England, by land, both their fortunes being near adjacent to Northumberland ; and though I fear they will not be able to make a body of an army, yet necessary it is that lieutenants should be, and I know none so fit as these in those parts ; for I will never think they have traiterous hearts.

Certainly necessary it is for the government of this kingdom, that a commissioner or deputy should be in it. For experience hath taught me, that your Majesty will never be well served by your council, unless there be some one or other amongst them on whom the chief care must lie. If your Majesty do not first settle the country, and reclaim it, whosoever you shall employ, will never be able to do any thing. Therefore that should be done, before any new commission be given ; and even then, where you will find a man, I cannot possibly say, unless your Majesty send the Duke of Lenox. As for the Marquis of Huntley, certainly he may be trusted by you ; but whether fitly or no, I cannot say. If

\* Sir J. Hamilton.

† Sir Thomas Hope.



I keep my life (though next Hell I hate this place), if you think me worthy of employment, I shall not weary till the government be again set right; and then I will forswear this country.

As for your Majesty's castle of Edinburgh, it was a most shameful thing it should have been so neglected. I cannot promise that it shall be defended, yet I hope they shall not take it, but by an hostile act. Some few men I have stolen in, but as yet cannot get one musket put there, nor one yard of match. I have trusted, for a time, the same man that was in it, and perhaps your Majesty will think this strange that I have done so; yet necessity forced me to it. For thither Ruthven would not go, without arms and ammunition; and indeed he is not to be blamed therefore; but, Sir, I have that in working, that, if I can accomplish, may for a time secure that place. And for my trusting that man, I can only say this, that if he deceive me, we were in no worse condition than when it was in Lord Marr's hands; safe only, for the giving him 2000*l.* which, if lost by the default of him whom I have trusted, your Majesty shall not be burthened by the payment of this money, for I deserve to lose it for my confidencee. He is no Covenanter, and hath solemnly sworn to me, to lose his life before he quit it.

As for Dunbritton, the way is easy to put as many men there as you please, with victual and ammunition; from Ireland they must come, and at the castle they must land; 100 men will be sufficient, provided with ammunition and victual for three months; and the sooner this be done the better.

Thus, Sir, your Majesty hath the humble opinion of what I conceive of the affairs of the kingdom. What I have said, I humbly submit to your Majesty.

I have now only this one suit to your Majesty, that if my sons live, they may be bred in England, and made happy by service in the court; and if they prove not loyal to the crown, my curse be on them.

I wish my daughters be never married in Scotland. I humbly recommend my brother to your favour.

Thus, with my hearty prayers to God, that he will bless you with a long and happy life, and crown all your intentions with a wished success; which I hope to live and see effected, notwithstanding of all the threats that is used to

Your Majesty's, &c.

HAMILTON.

Glasgow,

27th November, 1638.

1638.—November.

97. *The Supplication and humble Remonstrance of the Ministers of the Church of Scotland, presented to his Majesties High Commissioner and Generall Assemblie held at Glasgow in November, 1638.\**

MAY IT PLEASE YOUR GRACE,

And you right Noble, Right Worshipfull, and you most Reverend brethren, convened by his Majesties Proclamation in this venerable nationall Assembly, to consult upon the most convenient wayes, and to enact such Ecclesiasticall Lawes, as to your wisdomes seemes most expedient, for preserving of peace and truth in this Church, for which ends wee from the bottome of our hearts (as feeling members of the same) earnestly intreat him, who

hath promised to be with his owne to the end of the world, by his spirit and grace, so to direct and assist your wisdomes, that by this long expected meeting, glory may redound to his ever glorious Name, and peace to this rent Church, which all the members thereof, with most earnest wishes, expect at your hands. For the present, we thought it our duty, as those whom it doth most clearly concerne (our great Shepheard having committed to our charge a part of that Floek which he hath redeemed with his precious blood) to present unto you our just feares which arise from the sudden inroaching of the Laick (now called Ruling) Elders, in divers Presbyteries of this Kingdome, having chiefe hand in choosing of Commissioners there, lest they, with Commissioners thus elected, may bring upon the neck of the Ministry and Church here, the heave yoke of overruling Elders in all times coming, to the no small hurt of us and our successors in the Gospel, except timely remedy be provided.

Our humble supplication therefore to your Grace, and Members of this present Assembly, is, that all these Commissioners thus chosen by the voyce of Laick Elders, and in whose Commissions they have had hand, may be removed, as men to whose voyces and judgements we cannot submit our selves in matter of Church government, for the just feares above exprest, they being justly suspect Judges not to be admitted, and their elections and Commissions void for reasons following: First, there is no Law in this Kingdome whereby Laick Elders have any voyce in choosing Commissioners to Generall Assemblies; the choosers therefore having no legall power to elect, those that are chosen by such, can have no place nor voyce in this Assembly. Secondly, albeit there have beene heretofore, and before Churches were fully planted, a custome that Laick-Elders did sit in Presbyteries, yet that custome hath beene these 35. yeeres by-past, universally (and above forty yeeres in most Presbyteries) interrupted; which prescription is sufficient to make voyd any such custome: so that it can be no sufficient warrant for them to sit and voyce in Presbyteries now, much lesse to intrude themselves (as they have done in many Presbyteries) contrarie to the minds and publicke protestation of the Ministerie. Thirdly, when Laick-Elders had place in Presbyteries, yet it was ordained that the voyces should not be equal in number, with the voyces of the Ministerie, as is to be seene in the booke of discipline

Chapter. But in this election, their number were not onely equal, but in most parts more, because out of every Parish there was a Laick-Elder, and so at least equal in number; and in election of these Commissioners, against whose election we except, there was put upon the list six in some places, and in others foure of the Ministers, who being removed, in their absenee the choyce was made when the Laick-Elders by six or foure at the least exceeded the Ministers in number of voyces, yea in some Presbyteries the Laick-Elders were twice so many in number; so that these Commissioners are mainly chosen by the Laitie, and not by the Ministers, neither can wee acknowledge them for ours. Fourthly, these Laick-Elders did of old onely assist in Discipline, not meddling with points of Doctrine (suffering the spirit of the Prophets to be subject to the Prophets, according to the Apostolicall rule;) but now they intrude themselves to sit and voyce in the Presbyteries in matters of Doctrine, and have given Commission to those whom we except against, to voyce in this venerable Assembly, in Doctrine as well as in matters of Discipline; which Commissions are null, as proceeding *à non habente potes-*

\* Large Declaration, p. 265.



*tatem.* For these and other most weighty causes, the election of such Commissioners, and their place in this Assembly being so dangerous to the Church, threaten the same with the most intolerable yoke of bondage to be laid upon the neck of the Presbyteries by Laick over-ruling-Elders, to the prejudice of the liberties of the said Presbyteries, and whole Discipline of this Church. We could not, out of conscience to God, our callings, and flocks, but make humble remonstrance of the same to your Grace and members of this grave Assembly: withall protesting, both in our own names, and in name of all the Ministerie and body of this Church that will adhere to this present supplication, that all sentences, conclusions, Canons, Statutes, and Ordinances, which shall be made in that Assembly wherein the foresaid Commissioners shall have determinative voyce, to be voyd, null, and of no effect to oblige us or any of us to the obedience of the same: But if this our just supplication be not admitted (which we hope and earnestly pray may be graciously accepted) then this our protestation may be of force against such Lawes and proceedings that may follow thereupon. Thus hoping for your charitable construction of this our necessarie duty in so eminent a danger of the Church, and humbly intreating these presents may be put upon Record, We rest.

1638.—November 29.

98, 99. *Speech of Hamilton at dissolving the Assembly, and his Reply to Moderator.\**

I find this day great contrarieties of Humours in my self, first, cause of Joy; next, cause of Sorrow: cause of Joy, in making good what hath been promised by His Majesty; cause of Sorrow, in that I cannot make further known his Majesties Pious Intentions.

You have called for a Free General Assembly: His Majesty hath granted you one, most Free on his part, and in his intentions; but as you have handled and marred the matter, let God and the World judge, whether the least shadow or footstep of Freedom can be discerned in this Assembly, by any man who hath not given a Bill of Divorce both to his Understanding and Conscience. With what wrestling and wringing your last Protestation charges His Majesties last Gracious Proclamation in the point of Prelimitations, is both known and disliked by many even of your own pretended Covenant; but whether your Courses, especially in the Elections of the Members of this Assembly, be not onely Prelimitations of it, but strong Bars against the Freedom of it, nay utterly destructive both of the Name and Nature of a Free Assembly, and unavoidably inducing upon it many and main Nullities, will be made manifest to the whole World.

But his Majesties Sincere Intentions being to perform in a lawful Assembly all he hath promised in his Gracious Proclamation, if you find out a way how these things may pass, and be performed even in this Assembly, such as it is, and yet His Majesty not made to approve any way the Illegalities and Nullities of it, for satisfying all His Majesties good Subjects of the Reality of his Meaning; I am by His Majesties special Command ready to doe it, and content to advise with you how it may be done.

[And after this he caused read his Majesties Concessions, as they had been before proclaimed: upon which he took instruments, that by producing and signing of them, first his Majesties Intentions were made known: next, that in the producing and de-

livering of them, the Lawfullness of the Assembly was not acknowledged. After that he went on, and discoursed against the Constitution of the Assembly in the following words.]

But now I am sorry I can go on with you no more, for the sad part is yet behind, about Ruling-elders; for neither Ruling-elders, nor any Minister chosen Commissioner by Ruling-elders, can have voice here, because no such election is warranted, either by the Laws of this Church or Kingdom, or by the practice or custom of either: for even that little which appeareth to make for those Elders in the Book of Discipline, hath at this time been broken by you, there being more Lay-elders giving votes at every one of those Elections, than there were Ministers, contrary to the Book of Discipline; as in Lanerick but eight Ministers and eighteen or nineteen Lay-elders; and so in divers other Presbyteries: and in every Presbytery, when the Ministers upon the List were removed, the remaining Elders exceeded far the remaining Ministers. But say there were Law for those Lay-elders, the interruption of the execution of that Law, for above 40 years, makes so strong a Prescription against it, that without a new reviving of that Law by some new Order from the General Assembly, it ought not again be put in practice; for if His Majesty should put in practice, and take the Penalties of any disused Laws without new intimations of them from Authority, it would be thought by your selves very hard dealing.

To say nothing of that Office of Lay-elders, it being unknown to the Scripture or Church of Christ for above 1500 years, let the World judge whether those Laymen be fit to give Votes in inflicting the Censures of the Church, especially that great and highest Censure of Excommunication, none having power to cast out of the Church by that Censure, but those who have power to admit into the Church by Baptism: and whether all the Lay-elders here present at this Assembly be fit to judge of the high and deep Mysteries of Predestination, of the Universality of Redemption, of the Sufficiency of Grace given, or not given to all men, of the Resistibility of Grace, of total and final Perseverance, or Apostasie of the Saints, of the Antilapsarian or Postlapsarian Opinion, of Election and Reprobation; all which they mean to ventilate, if they do determine against the Arminian, as they give out they will.

In many Presbyteries these Lay-elders disagreed in their Elections wholly, or for the most part, from the Ministers, and carried it from them by number of Votes, though in all reason the Ministers themselves should best know the abilities and fitness of their Brethren: and this was done in the Presbyteries of Chirnside, Linlithgow, Aberdeen, and divers more.

How can these men now elected be thought fit to be Ruling-elders, who were never Elders before, all or most part of them being chosen since the Indiction of the Assembly, some of them but the very day before the Election of their Commissioners; which demonstrates plainly that they were chosen onely to serve their Associates turn at this Assembly?

Since the Institution of Lay-elders by your own Principles is to watch over the Manners of the People in the Parish in which they live, how can any man be chosen a Ruling-elder from a Presbytery, who is not an inhabitant within any Parish of that Presbytery, as hath been done in divers Elections, against all Law, Sense, or Reason?

By what Law or Practice was it ever heard, that

\* Burnet, p. 101. See also annexed Report.



young Noblemen, or Gentlemen, or others, should be chosen Rulers of the Church, being yet Minors, and in all Construction of Law thought unfit to manage their own private Estates, unless you will grant that men of meaner Abilities may be thought fit to rule the Church, which is the House of God, than are fit to rule their own private Houses, Families, and Fortunes?

By what Law can any Ruling-elder be sent to a Presbytery to Vote in anything, especially in choosing Commissioners for the General Assembly, who is not chosen for that purpose by the Session of that Parish in which he is a Ruling-elder? And who gave power to the Minister of every Parish, to bring with him to the Presbytery for that purpose any Ruling-elder of his Parish whom he pleased?

But it is well-known, that divers Elders gave Votes in these Presbyteries to the Elections of some Commissioners here, who were not chosen by the Sessions of their several Parishes to give Votes in those Presbyteries; and therefore such Commissioners as were chosen by such Lay-elders can have no Vote here.

By what Law or Practice have the several Parishes or Presbyteries chosen Assessors to their Ruling-elders, without whose consent some of the Commissioners here present are sworn not to vote to any thing?

This introducing of Ruling-elders is a burthen so grievous to the Brethren of the Ministry, that many of the Presbyteries have protested against it for the time to come, some for the present, as shall appear by divers Protestations and Supplications ready to be here exhibited.

For the Ministers chosen Commissioners hither, besides that the fittest are passed by, and some chosen who were never Commissioners of any Assembly before, that so they might not stand for their own Liberty in an Assembly of the nature whereof they are utterly ignorant, choice hath been also made of some who are under the Censure of the Church, of some who are deprived by the Church, of some who have been banished and put out of the University of Glasgow, for teaching their Scholars that Monarchies were unlawful, some banished out of this Kingdom for their Seditious Sermons and Behaviour, and some for the like Offences banished out of another of His Majesties Kingdoms, Ireland, some lying under the fearful Sentence of Excommunication, some having no Ordination nor Imposition of Hands, some admitted to the Ministry contrary to the standing Laws of this Church and Kingdom, all of them chosen by Lay-elders; what a Scandal were it to the Reformed Churches to allow this to be a lawful Assembly, consisting of such Members, and so unlawfully chosen?

Of this Assembly divers who are chosen are at the Horn, and so by the Laws of this Kingdom are incapable of sitting as Judges in any Judicatory.

Three Oaths are to be administered to every Member of this Assembly, the Oath for the Confession of Faith, lately renewed by His Majesties Commandment, the Oaths of Allegiance and Supremacy; and whosoever shall refuse any of these, cannot be a Judge in any Judicatory of this Kingdom: and therefore resolve presently whether you will take them or not.

You have cited the Reverend Prelats of this Land to appear before you by a way unheard-of, not only in this Kingdom, but in the whole Christian World, their Citations being read in the Pulpits, which is not usual in this Church; nay, and many of them were read in the Pulpits after they had been delivered into the Bishops own hands. How

can His Majesty deny unto them, being His Subjects, the benefit of His Laws, in declining all those to be their Judges, who by their Covenant do hold the principal thing in question, to wit, Episcopacy to be abjured, as many of you do? or any of you to be their Judges, who do adhere to your last Protestation, wherein you declare, that it is an Office not known to this Kingdom, although at this present it stand established both by Acts of Parliaments, and Acts of General Assemblies? Who ever heard of such Judges as have sworn themselves Parties? And if it shall be objected, that the Orthodox Bishops in the first four and other General Councils could not be denied to be competent Judges of the Hereticks, though beforehand they had declared their Judgments against their Heresies: it is easily answered, that in matters of Heresie no man must be patient, since in Fundamental points of Faith a man cannot be indifferent without the hazard of his Salvation, and therefore must declare himself to be on Christs side, or else he is against him; but in matters of Church-government and Policy, which by the Judgment of this Church in the 21<sup>th</sup> Article of our Confession is alterable at the will of the Church, it is not necessary for any man who means to be a Judge, to declare himself, especially against that Government which stands established by Law at the time of his Declaration, being not onely not necessary, but likewise not lawful for him at that time so to doe; now this Declaration all you who adhere to the last Protestation have made, even since you meant to be the Bishops Judges. Besides, even those Orthodox Fathers never did declare themselves against the Hereticks, their Persons or Callings, by Oaths and Protestations, as you have done; for that had been a prejudging in them, and this prejudging in you makes you now to be incompetent Judges.

Upon the whole matter then there are but two things left for me to say: first, you your selves have so proceeded in the business of this Assembly that it is impossible the fruits so much wished and prayed for can be obtained in it; because standing as it does, it will make this Church ridiculous to all the Adversaries of our Religion, it will grieve and wound all our Neighbour Reformed Churches who hear of it; it will make His Majesties Justice to be traduced throughout the whole Christian World, if he should suffer His Subjects in that which concerns their Callings, their Reputations and their Fortunes, to be judged by their sworn Enemies. If therefore you will dissolve your selves, and amend all these errors in a new Election, I will with all convenient speed address my self to His Majesty, and use the utmost of my Intercession with His Sacred Majesty for the Indiction of a new Assembly, before the meeting whereof all these things now challenged may be amended: if you shall refuse this Offer, His Majesty will then declare to the whole World, that you are disturbers of the Peace of this Church and State, both by introducing of Lay-elders against the Laws and Practices of this Church and Kingdom, and by going about to abolish Episcopal Government, which at this present stands established by both the said Laws: two points (I dare say) and you must swear it, if your Consciences be appealed to, (as was well observed by that Reverend Gentleman we heard preach the last Sunday) which these you drew into your Covenant were never made acquainted with at their entering into it; much less could they suspect, that these two should be made the issue of this business, and the two stumbling-blocks to make them fall off from their Natural Obedience to their Sovereign.



*The Commissioner's Reply to the Moderator.\**

As for your pretence of your unlimited Freedom, you indeed refused so much as to hear from His Majesties Commissioner, of any preecedent Treaty for the preparing and right-ordering of things before the Assembly; alledging, that it could not be a free Assembly where there was any Prelimitation either of the Choosers, or of those to be chosen, or of things to be treated of in the Assembly, but that all things must be discussed upon the place, else the Assembly could not be free: but whether you your selves have not violated that which you call Freedom, let any man judge; for besides these Instructions, which it may be are not come to our knowledge, we have seen, and offer now to produce, four several Papers of Instructions sent from them, (whom you call the Tables) containing all of them Prelimitations, and such as are not onely repugnant to that which you call the Freedom, but to that which is indeed the Freedom of an Assembly. Two of these Papers were such as you were contented should be communicated to all your Associates, to wit, that larger Paper sent abroad to all Presbyteries, immediately after His Majesties Indictioun of the Assembly, and that lesser Paper for your meeting first at Edinburgh, then at Glasgow, some days before the Assembly; which Paper gave order for chusing of Assessors, and divers other particulars: but your other two Papers of Secret Instructions were directed, one of them onely to one Minister of every Presbytery, to be communicated by him as he should see cause, but to be quite concealed from the rest of the Ministers; the other Paper was directed onely to one Lay-elder of every Presbytery, and to be communicated by him as he should see cause, but to be quite concealed from all others: in both which Papers are contained such Directions, which being followed, as they were, have quite banished all Freedom from this Assembly; as shall appear by reading the Papers themselves.

[These he caused read, but they were disowned by the Members of the Assembly; and they said, they might have been the private Opinions of some, but did infer no Prelimitation on the Assembly: to which the Marquis answered]—

That all the Elections being ordered according to these, was a cleare proof, they were sent by an Authority which all feared to disobey. And after that he told, That for many moneths the Orders of the Table had been obeyed by all; but he would now make a trial what Obedience they would give to the Kings Command: and protested, that one of the chief Reasons that moved him to dissolve this Assembly, was to deliver the Ministers from the Tyranny of Lay-elders, who (if not suppressed) would (as they were now designing the ruine of Episcopal Power) prove not onely Ruling, but Overruling-elders.

1638.—November 29.

*100. Royal Proclamation anent the Assembly.†*

CHARLES by the grace of God, King of Scotland, England, France, and Ireland, Defender of the Faith. To Our Lovits

Heralds, Pursevents, Our Sherifes in that part conjunctly & severally specially constitute, greeting. Forsameikle as out of the royall & fatherly care which We have had of the good & peace of this Our ancient and native Kingdome, having taken to Our serious consideration all

such things as might have given contentment to Our good & loyall subjects: And to this end had discharged by Our Proclamation the Service Booke, Booke of Canons, and high Commission, freed and liberate all men from the practising of the five Articles, made all Our subjects both ecclesiasticall & eivill liable to the censure of Parliament, generall Assembly, or any other Iudicatorie competent, according to the nature and qualitie of the offence; and for the free entrie of Ministers, that no other oath be administrate unto them then that which is contained in the Act of Parliament: had declared all by-gone disorders absolutely forgotten & forgiven: and for the more full and cleare extirpating all ground & occasion of feares of innovation of Religion, We had commaunded the confession of faith, and band for maintenance thereof, and of authoritie in defence of the same, subscribed by Our deare Father, and his household, in anno 1580. to bee renewed and subscribed againe by Our subjects here: Likeas for settling of a perfect peace in the Church and Commonwealth of this Kingdome, We caused indiet a free generall Assembly to bee holden at Glasgow the 21. of this instant, and thereafter a Parliament in May 1639. By which element dealing, We looked assuredly to have reduced Our subjects to their former quiet behaviour & dutifull earriage, whereto they are bound by the Word of God, and Lawes both nationall and munieipall, to Us their uative and Sovereign Prince. And albeit the wished effects did not follow, but by the contrary, by Our so gracious procedure they were rather emboldened, not onely to continue in their stubborne and unlawfull waies, but also daily adde to their former procedures acts of neglect, & contempt of authority, as evidently appeared by open opposing of Our just & religious pleasure and command, expressed in Our last Proclamation anent the discharge of the Service Booke, Booke of Canons, high Commission, &c. protesting against the same, and striving by many indirect meanes to withdraw the hearts of Our good people, not onely from a hearty acknowledgement of Our gracious dealing with them, but also from the due obedience to those Our just and religious commands, notwithstanding We had been formerly so oft petitioned by themselves for the same. By their daily and hourly guarding and watching about Our Castle of Edinburgh, suffering nothing to be imported therein, but at their discretion, And openly stopping and impeding any importation of ammunition, or other necessities whatsoever to any other of Our houses within that Kingdome: Denying to Us their Sovereign Lord that libertie and freedome, which the meanest of them assume to themselves, (an act without preecedent or example in the Christian world,) By making of Convocations and Councell Tables of Nobility, Gentry, Burrowes and Ministers within the Citie of Edinburgh, where not regarding the Lawes of the Kingdome, they, without warrant of authoritie, convene, assemble, and treat upon matters, as well ecclesiasticall as eivill, send their injunetions and directions throughout the country to their subordinate Tables, and other under-ministers appointed by them for that effect. And under colour & pretext of religion exerceing an unwarranted & unbounded libertie, require obedience to their illegall and unlawfull procedures and directions, to the great & seen prejudice of Authority, and lawfull Monarchicall government. And notwithstanding it was evidently manifest by the illegall & unformall course taken in the election of their Commissioners for the Assembly, whereof some are under the censure of this Church, some under the censuro of the Church

\* See the Moderator's Speech in annexed Report.

† Large Declaration, p. 290.



of Ireland, and some long since banished for open and avowed teaching against Monarchie, others of them suspended, and some admitted to the Ministerie contrary to the forme prescribed by the Lawes of this Kingdome, others of them a long time since denounced Rebels and put to the Horne, who by all law and unviolable custome and practique of this Kingdome, are, and ever have been incapable, either to pursue, or defend before any Iudicatorie, far lesse to be Iudges themselves: some of them confined, and all of them by oath and subscription bound to the overthrow of Episcopacie. And by this and other their under-hand working, and private informations and perswasions, have given just ground of suspicion of their partiality herein, & so made themselves unfit Iudges of what concerneth Episcopacie. And also it was sufficiently cleared by the peremptorie and illegall procedures of the Presbyteries, who at their own hand by order of law, & without due forme of processe, thrust out the Moderatours lawfully established, & placed others, whom they found most inclinable to their turbulent humours; associate to themselves for the choosing of the said Commissioners for the Assembly, a Laick-Elder out of each Paroch, who being in most places equall, if not moe in number then the Ministerie, made choice both of the Ministers, who should be Commissioners from the Presbyteries, as also of a Ruling-Elder; being directed more therein by the warrants from the foresaid pretended Tables, then by their owne judgements, as appears by the severall private instructions sent from them, farre contrary to the Lawes of the Countrey, and lowable custome of the Church: by which doings it is too manifest, that no calme nor peaceable procedure or course could have been expected from this Assembly, for settling of the present disorders and distractions: Yet We were pleased herein in some sort to blindfold Our own judgement, and overlooke the said disorders, and patiently to attend the meeting of the said Assembly, still hoping that when they were met together, by Our Commissioner his presenee, and assistance of such other well disposed subjects who were to be there, and by their owne seeing the reall performance of all that was promised by Our last Proclamation, they should have been induced to returne to their due obedience of subjects: But perceiving that their seditious disposition still increases, by their repairing to the said Assembly with great bands and troupes of men, all boddin in feare of warre, with guns and pistolets, contrary to the lawes of this Kingdome, custome observed in all Assemblies, and in high contempt of Our last Proclamation at Edinburgh the 16. of this instant: As also by their peremptory refusing of Our Assessors, authorized by Vs (although fewer in number then Our dearest Father was in use to have at divers Assemblies) the power of voting in this Assembly, as formerly they have done in other Assemblies; and by their partiall, unjust, and unchristian refusing, and not suffering to be read the reasons and arguments given in by the Bishops, and their adherents, to Our Commissioner, why the Assembly ought not to proceed to the election of a Moderatour without them, neither yet to the admitting of any of the Commissions of the saids Commissioners from Presbyteries, before they were heard object against the same, though earnestly required by our Commissioner in our name. And notwithstanding that our Commissioner under his hand, by warrant from us, gave in a sufficient declaration of all that was contained in our late proclamation and declaration, the same bearing likewise our pleasure of the registration of the same in the books of assembly for the full

assurance of the true religion to all our good subjects; And yet not resting satisfied therewith, lest the continuance of their meeting together might produce other the like dangerous acts, derogatory to royall authoritie, we have thought good, for preventing thereof, and for the whole causes and reasons above-mentioned, and divers others importing the true monarchicall government of this estate, to dissolve and breake up the said Assembly. And therefore OVR will is, and we doe discharge and inhibit all and whatsoever pretended Commissioners, and other members of the said pretended assembly, of all further meeting and convening, treating and concluding any thing belonging to the said assembly, under the pain of treason, declaring all and whatsoever that they shall happen to doe in any pretended meeting thereafter, to be null, of no strength, force nor effect, with all that may follow thereupon: Prohibiting and discharging all our lieges to give obedience thereto, and declaring them, and every one of them, free and exempt from the same, and of all hazzard that may ensue for not obeying thereof. And for this effect we command and charge all the foresaid pretended commissioners, and other members of the said assembly, to depart forth of this city of Glasgow, within the space of xxiiii houres after the publication hereof, and to repair home to their own houses, or that they goe about their own private affaires in a quiet manner. With speciall provision alwayes, that the foresaid declaration, given in under our Commissioners hand, with all therein contained, shall notwithstanding hereof, stand full, firm and sure to all our good subjects in all time coming, for the full assurance to them of the true religion. And our will is, and we command and charge, that incontinent these our letters seen, ye passe, and make publication hereof by open proclamation at the market crosse of Glasgow, and other places needfull, wherethrough none pretend ignorance of the same. Given under our signet at Glasgow the 29. of November, and of our reign the fourteenth year. 1638.

*Sic Subscribitur.*

HAMILTOUN,

Traquaire, Roxburgh, Murray, Linlithgow, Perth, Kingorne, Tullibardin, Hadingtoun, Galloway, Annandail, Lauderdaill, Kinnoull, Dumfreis, Southesk, Belhaven, Angus, Dalryell, J. Hay, W. Elphinstoun, Ja. Carmichael, J. Hamiltoun.

1638.—November 28 and 29.

101. *The Protestation of the generall Assembly of the Church of Scotland, &c. Made in the high Kirk, and at the Market Crosse of Glasgow, Novemb. 28. and 29. An. 1638.\**

Wee Commissioners from Presbyteries, Burghes, and Unversities, now convened in a full and free Assembly of the Church of Scotland, indicted by his Majestie, and gathered together in the Name of the Lord Jesus Christ the only Head, and Monarch of his own Church, And we Noblemen, Barons, Gentlemen, Ministers, Burgesses and Commons, Subscribers of the Confession of Faith, Make it knowne that where We His Majesties loyall Subjects of all degrees, considering and taking to heart the many and great innovations and corruptions lately by the Prelates and their adherents intruded into the doctrine, worship, and discipline of this Church, which had been before in great purity to our unspeakable

\* Large Declaration, p. 294; and also in the Records of the Kirk, certified by the Clerk.



comfort established amongst us, were moved to present many earnest desires and humble supplications to his sacred Majestie, for granting a free generall Assemblie, as the only legall and ready meane to try these innovations, to purge out the corruptions, and settle the order of the church, for the good of Religion, the honour of the King, and the comfort and peace of the Kirk and Kingdome: It pleased his gracious Majestie, out of his Royall bountie, to direct unto this Kingdome, the Noble and Potent Lord, James Marques of Hammiltoun, with Commission to hear and redresse the just grievances of the good Subjects, who by many petitions, and frequent conferences, being fully informed of the absolute necessity of a free generall Assemblie, as the only Iudicatorie which had power to remedie those evils, was pleased to undergoe the paines of a voyage to England, for presenting the pittifull condition of our Church to his sacred Majestie; And the said Commissioner his Grace returned againe in August last, with power to indiet an Assemblie, but with the condition of such limitations, as did both destroy the freedome of an Assemblie, and could no wayes cure the present diseases of this Church; which was made so clearly apparent to his Grace, that for satisfying the reasonable desire of the Subjects, groaning under the wearinesse and prejudices of longsome attendanee, He was againe pleased to undertake another journey to his Majestie, and promised to indeavour to obtain a free Generall Assemblie, without any prelimitation, either of the constitution and members, or matters to be treated, or manner, and order of proceeding; so that if any question should arise concerning these particulers, the same should be cognosced, judged, and determined by the Assembly, as the onely Iudge competent: And accordingly by warrant from our Sacred Sovereigne, returned to this Kingdome, and in September last, caused indiet a free Generall Assemblie to be holden at Glasgow, the 21. of November instant, to the unspeakable ioy of all good Subjects and Christian hearts, who thereby did expect the perfect satisfaction of their long expectations; and the finall remedie of their pressing grievances: But these hopes were soone blasted: for albeit the Assemblie did meet and begin at the appointed day, and hath hitherto continued, still assisted with His Graces personall presenee, yet His Grace hath never allowed any freedome to the Assemblie, competent to it by the Word of God, acts and praetices of this Church, and his Majesties Indiction, but hath laboured to restrain the same, by protesting against all the acts made therein, and against the constitution thereof by such members, as by all law reason and custome of this Church were ever admitted in our free Assemblies, and by denying his approbation to the things proponed and concluded, though most cleare, customable, and uncontraverted.

And now since his Grace after the presenting and reading of his owne commission from our sacred Sovereigne, and after his seeing all our commissions from Presbyteries and Burghes produced and examined, and the Assembly constitute of all the members by unanimous consent, doth now to our greater griefe, without any just cause or occasion offered by us, unexpectedly depart and discharge any further meeting, or proceeding in this assemblie, under the paine of treason: and after seven dayes sitting, declare all Acts made, or hereafter to be made in this Assemblie, to be of no force nor strength; and that for such causes as are either expressed in his Majesties former proclamations, (and so are answered in our former protestations) or set downe in the declinatour and protestation presented

in name of the Prelats, (which are fully cleared in our answer made thereto) or else were long since proponed by the Commissioner his Grace in his eleven articles or demands sent unto us, before the indiction of the Assembly (and so were satisfied by our answers, which his Grace acknowledged, by promising after the receipt thereof to procure a free generall Assembly, with power to determine upon all questions, anent the members, manner, and matters thereof) all which for avoiding tediousnesse we cease to repeat: Or otherwise the said causes alleadged by the Commissioner, were proponed by His Grace, in the Assemblie; such as first, that the Assemblie refused to reade the Declinatour and Protestation exhibited by the Prelats, which nevertheless was publickly read and considered by the assemblie, immediately after the election of a Modérateur and constitution of the Members, before the which, there was no assemblie established, to whom the same could have been read: Next, that ruling Elders were permitted to have voice in the election of commissioners from Presbyteries, which was knowne to His Grace, before the indiction and meeting of the assembly, and is so agreeable to the acts and praetice of this Church, inviolably observed before the late times of corruption, that not one of the assembly doubted thereof, to whom by the indiction and promise of a free assembly, the determination of that question, anent the members constituent propertie belonged.

And last, that the voices of the six Assessors, who did sit with His Grace, were not asked and numbered, which we could not conceive to be any just cause of offence, since after 39. Nationall assemblies of this reformed church, where neither the Kings Majestie, nor any in his name was present, at the humble and earnest desire of the assembly, His Majestie graciously vouchsafed His presence either in His owne Royall Person, or by a Commissioner, not for voting or multiplying of voices, but as Princes and Emperours of old, in a Princely manuer to countenance that meeting, and to preside in it for externall order; and if Wee had been honoured with His Majesties Personall presenee, His Majestie (according to the praetice of King James of blessed memorie) would have onely given his owne Judgement in voting of matters, and would not have called others who had not been clothed with commission from the church to carry things by pluralitie of voices.

Therefore in conscience of our duty to God and his truth, the King and his honour, the Church and her liberties, this Kingdome and her peace, this Assemblie and her freedome, to our selves and our safety, to our Posterity, Persons and Estates, We professe with sorrowfull and heavie, but loyall hearts, That We cannot dissolve this Assemblie, for the reasons following.

1. For the reasons already printed anent the necessity of convening a Generall Assemblie, which are now more strong in this case, seeing the Assemblie was already indicted by his Majesties authority, did convene, and is fully constitute in all the members thereof, according to the Word of God, and discipline of this church, in the presence and audience of his Majesties Commissioner; who hath really acknowledged the same, by assisting therein seven dayes, and exhibition of His Majesties Royall Declaration, to be registrate in the Bookes of this Assemblie, which accordingly is done.

2. For the reasons contained in the former Protestations made in name of the Noblemen, Barons, Burgesses, Ministers, and Commons, whereunto We doe now iudicially adhere, as also unto the Confes-



sion of Faith & covenant, subscribed and sworn by the Body of this Kingdome.

3. Because as We are obliged by the application and explication subjoyned necessarily to the Confession of Faith subscribed by Vs; so the Kings Majestie, and his Commissioner, and Privie Councell, have urged many of this Kingdome to subscribe the Confession of Faith made in an. 1580. and 1590. and so to returne to the doctrine and discipline of this Church, as it was then professed: But it is cleare by the doctrine and discipline of this Church, contained in the book of Policie then registrate in the books of Assemblie, & subscribed by the Presbyteries of this Church; That it was most unlawfull in it selfe, and prejudiciall to these privileges which Christ in his Word hath left to his Church, to dissolve or breake up the Assemblie of this Church, or to stop and stay their proceedings in constitution of Acts for the welfare of the Church, or execution of discipline against offenders; and so to make it appeare, that Religion and Church government should depeud absolutely upon the pleasure of the Princee.

4. Because there is no ground of pretence either by Act of Assemblie, or Parliament, or any preceeding practice, whereby the Kings Maiestie may lawfully dissolve the Generall Assemblie of the Church of Seotland, far lesse His Maiesties Commissioner, who by his commission hath power to indict and keep it, *secundum legem & praxim*: But upon the contrarie, His Majesties prerogative Royall, is declared by Act of Parliameut, to be no wayes prejudiciall to the privileges and liberties, which God hath granted to the spirituall office-bearers, and meetings of this Church; which are most frequently ratified in Parliaments, and espeecially in the last Parliament holden by His Maiestie himself: which privileges and liberties of the Church, his Maiestie will never diminish or infringe, being bound to maintain the same in integritie by solemn oath given at his Royal Coronation in this Kingdome.

5. The Assemblies of this Church have still enjoyed this freedome of uninterrupted sitting, without or notwithstanding any contramand, as is evident by all the Records thereof; and in speeciall by the generall Assembly holden in anno 1582. which being charged with letters of Horning by the Kings Majestie his Commissioner and Councell, to stay their prooesse against Master Robert Montgomerie, pretended Bishop of Glasgow, or otherwise to dissolve and rise, did notwithstanding shew their liberty and freedome, by continuing and sitting still, and without any stay, going on in that processe against the said Master Robert, to the finall end thereof: And thereafter by letter to his Maiesty, did shew clearly, how far his Maiesty had been uninformed, and upon misinformation, preiudged the prerogative of Jesus Christ, and the liberties of this Church, and did inact and ordain, that none should procure any such warrant or charge under the pain of excommunication.

6. Because now to dissolve, after so many supplications and complaints, after so many reiterated promises, after our long attendance and expectation, after so many references of processes from Presbyteries, after the publick indiction of the Assembly, and the solemn Fast appointed for the same, after frequent Convention, formall constitution of the Assembly in all the members thereof, and seven dayes sitting, were by this act to offend God, contemne the Subjects petitions, deceive many of their conceived hopes of redresse of the calamities of the Church and Kingdome, multiply the combustions of this Church, and make every man despair hereafter ever to see Religion established, Innovations re-

moved, the Subjects complaint respected, or the offenders punished with cousent of authority, and so by casting the Church loose and desolate, would abandon both to ruine.

7. It is most necessary to continue this Assembly for preveening the prejudices which may ensue upon the pretence of two Covenants, whereas indeed there is but one, That first subscribed in 1580. and 1590. being a Nationall covenant and oath to God; which is lately renewed by Vs, with that necessary explanation, which the corruptious introduced since that time contrary to the same, inforced: which is also acknowledged by the Act of councell in September last, declaring the same to be subscribed, as it was meant the time of the first subscription; And therefore for removing that shame, and all prejudices which may follow upon the show of two different covenants & confessions of Faith in one Nation, The Assemblie cannot dissolve, before it trie, finde and determine, that both these covenants, are but one and the self same covenant: The latter renewed by us, agreeing to the true genuine sense and meaning of the first, as it was subscribed in Anno 1580.

For these and many other reasons, We the Members of this assemblie, in our owne name, and in the name of the Kirk of Seotland, whom We represent; and We Noblemen, Barous, Gentlemen, Ministers, Burgesses, and Commons before mentioned, doe solemnly declare in the preseuce of the everliving God, and before all men; And protest,

1. That our thoughts are not guilty of anything which is not incumbent to us, as good Christians towards God, and loyall Subjects towards our sacred Sovereigne.

2. That all the Protestations generall or particular, proponed or to be proponed by the commissioner his Grace, or the Prelats and their adherents, may be presently discussed before this generall Assemblie, being the highest Ecclesiasticall judicatorie of this Kingdome: and that his Grace depart not till the same be done.

3. That the Lord commissioner depart not, till this Assemblie doe fully settle the solide peace of this church, cognoscing and examining the corruptions introduced upon the doctrine and discipline thereof: and for attaining hereof, and removing all just exceptions which may be taken at our proceedings, we attest GOD the searcher of all hearts, that our intentionous, and whole proceedings in this present assemblie, have beene, are, and shall be according to the word of GOD, the lawes and constitutions of this church, the confession of faith; our nationall oath, and that measure of light, which GOD the father of light shall grant us, and that in the sincerity of our hearts, without any preoccupation or passiou.

4. That if the Commissioner his Grace depart, and leave this church and kingdome in this present disorder, and discharge this assemblie, that it is both lawfull and necessary for Vs to sit still and continue in keeping this present Assemblie, indicted by His Majestie, till we have tryed, judged, censured all the bygone evils, and the introductions, and provided a solide course for continuing Gods truth in this land with purity and liberty, according to his Word, our oath and Confession of Faith, and the lawfull coustitutions of this Church; and that with the grace of God, We and every one of Vs adhering hereunto, shall sit still and continue in this Assembly, till after the finall setling and conclusion of all matters, it be dissolved by common consent of all the members thereof.

5. That this Assemblie is and should be esteemed and obeyed, as a most lawfull, full and free generall



Assembly of this Kingdome : And that all acts, sentences, constitutions, censures and proceedings of this Assemblie, are in the selfe, and should be reputed, obeyed, and observed by all the Subjects of this Kingdome and members of this Church, as the actions, sentences, constitutions, censures, and proceedings of a full and free generall assembly of this Church of Scotland, and to have all ready execution, under the Ecclesiasticall paines contained, or to bee contained therein, and conforme thereto in all points.

¶ 6. That whatsoever inconvenience fall out, by impeding, molesting, or staying the free meeting, sitting, reasoning, or concluding of this present assembly, in matters belonging to their judicatorie, by the word of God, lawes and practice of this Church, and the Confession of Faith, or in the observing and obeying the acts, ordinances and conclusions thereof, or execution to follow thereupon, That the same be not imputed unto us, or any of us, who most ardently desired the concurrence of his Majesties Commissioner to this lawfull assembly ; But upon the contrary, that the Prelats and their adherents, who have protested and declined this present assemblie, in conscience of their owne guiltinesse, not daring to abide any legall tryall, and by their misinformation have moved the Commissioner his Grace to depart and discharge this assemblie, be esteemed, repute, and holden the disturbers of the peace, and overthrowers of the liberties of the Church, and guiltie of all the evils which shall follow hereupon, and condignely censured according to the greatnesse of their fault, and Acts of the Church and Realme : And to this end, Wee againe and again doe by these presents cite and summon them, and everie one of them, to compeere before this present generall assembly, to answer to the premises, and to give in their reasons, defences, and answers against the complaints given in, or to bee given in against them, and to heare probation led, and sentence pronounced against them, and conforme to our former cytations, and according to Iustice, with certification as effeirs ; Like as by these presents We summon and cyte all those of his Majesties Councell, or any other, who have procured, consented, subscribed, or ratified this present Proclamation to be responsable to his Majesty and three Estates of Parliament, for their counsell given in this matter, so highly importing his Majestie, and the whole Realme, conforme to the 12. act. King James 4. Parliament 2. And protest for remedy of law against them, and every one of them.

7. And lastly wee protest, that as we adhere to the former protestations all and every one of them, made in the name of the Noblemen, Barons, Gentlemen, Ministers, Burghes, and Commons ; So seeing wee are surprised by the Commissioner his Graces sudden departing, farre contrary to his Majesties indiction, and our expectation, we may extend this our protestation, and adde more reasons thereunto in greater length and number, whereby wee may fully cleare before God and man the equitie of our intentions, and lawfulnessse of our proceedings : And upon the whole premises the foresaid persons for themselves and in name aforesaid, asked Instruments. This was done in the high Church of Glasgow in publike audience of the Assembly, begunne in presence of the Commissioner his Grace, who removed and refused to heare the same to the end, the twenty eighth day of November : and upon the Mercate Crosse of Glasgow, the twentie ninth day of the said Moneth, the yeere of God 1638. respective.

1638.—November 30.

102. *Letter from Traquair to Hamilton.\**

Falkirk, Nov. 30th.

I could not find the Earl of Argyle yesterday at his own house ; and being unwilling to go from Glasgow before I saw him, I came to the Lord Boyde's lodging, where I was told he was, with the Lord Loudon and some others. He resolves to stay still in Glasgow, some time at least ; and during his abode there, will haunt the assembly, and be careful to make them go on in such a way as shall be justifiable.

The Service-book will be condemned in general, as repugnant to the tenets of this church ; episcopal government, as not agreeable to the government thereof ; and presently all the bishops of this kingdom are condemned, and presently excommunicate.

The Lord Loudoun acknowledges one of the papers, your Grace produced in the assembly, but the certificate refused ; the same was required of me, which at the kirk-yard entry I acknowledged and declared to be such as became an honest man ; for truly, if I should say otherwise, I should deny truth and my own judgment. And if I should subscribe any covenant or confession, which, in my judgment, excluded episcopacy or episcopal government, I behoved to subscribe against the light of my own conscience ; and this I declared publicly, as I shall do while I breathe.

This morning the Lairds Carberry, Nidrie, and Colintone, with John Smith of Edinburgh, parted from this, about four in the morning, to attend my coming to Edinburgh, for protesting against the proclamation ; which they expect at the cross of Edinburgh.

As your Grace shall be pleased to honour me with any of your commandments, I shall not be wanting with the uttermost of my power ; and without consideration either of life or fortune, shall witness myself to be

Your, &c.

TRAQUAIR.

1638.—December 3.

103. *Letter from the Archbishop of Canterbury (Laud) to Hamilton.†*

MY VERY GOOD LORD,

I received your Lordships Letters of Novemb. 27<sup>th</sup>, they came safe to me on Decemb. 2<sup>d</sup>, after 8 at night. I was glad to see them short ; but their shortness is abundantly supplied by the length of two Letters, one from the Lord Ross, and the other from the Dean. They have between them made their word good to your Lordship, for they have sent me all the passages from the beginning of the Assembly to the time of the Date of their Letters : and this I will be bold to say, never were there more gross absurdities, nor half so many, in so short a time, committed in any Publick Meeting ; and for a Nationall Assembly never did the Church of Christ see the like.

Besides His Majesties Service in general, that Church is much beholding to you, and so are the Bishops in their Persons and Callings : and heartily sorry I am, that the People are so beyond your expression furious, that you think it fit to send the two Bishops from Glasgow to Hamilton ; and much more that you should doubt your own safety. My

\* Hardwicke's State Papers, vol. ii., p. 121.

† Burnet, p. 108.



Lord, God bless your Grace with Life and Health to see this Business at a good end, for certainly, as I see the face of things now, there will very much depend upon it, and more than I think fit to express in Letters; nay perhaps, more than I can well express if I would.

I am as sorry as your Grace can be that the Kings Preparations can make no more haste. I hope you think (for truth it is) I have called upon His Majesty, and by His Command upon some others, to hasten all that may be, and more than this I cannot doe; but I am glad to read in your Letters that you have written at length to His Majesty, that you may receive from himself a punctual Answer to all necessary particulars: and I am presently going to him to persuade him to write largely to you, that you may not be in the dark for any thing.

But (my Lord) to meet with it again in your Letters, that you cannot tell whether this may be your Last Letter, and that therefore you have disclosed the very thoughts of your Heart, doth mightily trouble me: but I trust in God, he will preserve you, and by your great Patience, Wisdom, and Industry, set His Majesties Affairs (to your great Honour) in a right posture once again; which if I might live to see, I would be glad to sing my *Nunc dimittis*.

I pray (my Lord) accept my thanks for the poor Clergie there, and particularly for the Bishop of Ross, who protests himself most infinitely obliged to you.

I heartily pray your Lordship to thank both the Bishop of Ross and the Dean for their kind Letters, and the full account they have given me; but there is no particular that requires an Answer in either of them, saving that I find in the Deans Letter, that Mr Alex. Henderson, who went all this while for a quiet and calm-spirited man, hath shewed himself a most violent and passionate man, and a Moderator without Moderation. Truly (my Lord) never did I see any man of that humour yet, but he was deep-dyed in some violence or other, and it would have been a wonder to me if Henderson had held free. Good my Lord, since you are good in the active part, in the commixture of Wisdom and Patience, hold it out till the People may see the Violence and Injustice of them that would be their Leaders, and suffer not a Rupture till there be no Remedy. God bless you in all your ways, which is the daily prayer of

Your Lordships most faithful Friend,  
and humble Servant,  
W. CANT.

Lambeth, 3 Decemb. 1638.

1638.—December 7.

104. *Letter from the King to Hamilton.\**

HAMILTON,

I never expected other than that you would have too just grounds to dissolve this Assembly; and certainly I were very unjust if I did not approve you therein, since not onely your Instructions warrant you the same, but even the Council hath testified to me the Necessity of it. And now I shall lay before you some Considerations; in the first place to take care, that your coming away do not cast things so loose, that the honest men of my Party do believe that you leave them as in a case desperate, or at least, that by your Absence they be denuded of Advice and Protection: therefore I

hope before you come up you will take so good order, that your Absence do neither dishearten, nor prejudice my Party. As for my Preparations, I doubt not but ere this you have had a full account by your Cousin Sir James, whereby you find that I shall not be able to shew my self like my self before February or March; wherefore I lay it to your Consideration, whether it were not fit to give hopes that the Parliament shall hold, (notwithstanding all the impertinencies of this last Assembly) so that their Follies break not out into open Acts of Rebelious Violences: and really I will not say, but (that things may be so prepared) it may be fitting that it should hold. To conclude, I hope you do not conceive, that the Date of your Commissionership is out; wherefore I expect that (if you find cause) you send out Commissions of Licutenancies to Huntley for the North, and to Traquair or Roxburgh, either joyntly or severally, (as you shall find most fit) for the South: yet all as subaltern to you. This I confess is not to be done but upon great necessity, of which I leave you (as upon the place) to be Judge, (being abundantly satisfied of your zeal and dexterity to serve me) as I do of all that I have now written: and so I rest

Your assured constant Friend,  
CHARLES R.

Whitehall,  
7 Dec. 1638.

1638.—December 7.

105. *Letter from the Archbishop of Canterbury to Hamilton.\**

MY VERY GOOD LORD,

I received your Letters of the second of December upon the sixth of the same at night, and could not speak with His Majesty till this day. This day I did, and shewed him your Letters and the Deans; and I read to him more than the later half of all the long Discourse which the Dean wrote unto me, for his Majesty was very desirous to know what occasion you took to dissolve the Synod, and how you prosecuted it; in both which that Paper gave him great satisfaction.

With your Letters I have received three other Papers, that which shews you have kept within your Instructions, the Copy of the Proclamation which dissolves the Assembly, and a Copy of the Councils Letter to the King; both which His Majesty takes to be very good Service done for him, and commands me to give your Grace thanks in his Name, which I am very glad to doe, and I doe it heartily.

For the Earl of Argyle I can say no more than I have already, though now I know him more perfectly than I did. Your Resolution was to put him from the Council-Table, if he refused the Kings Covenant; he hath now deserved it more, but whether it be a fit time as yet to proceed so far, I dare not determine here. This I am sure of, if he do now publicly adhere to the Covenant and the Assembly, nay be the professed Head of the Covenant, (as the Dean calls him,) yet he will have much ado to look right upon that, who ever looked askint upon the Kings business.

Concerning your coming up to Court, I am glad I find His Majesty in that Opinion which I cannot chuse but be of, that is, to leave it to your self, and your own Judgment upon the place, whether it be fitter for you to come or stay: for the truth is, my Lord, in my poor Judgment the King must

\* Burnet, p. 107.

\* Burnet, p. 109.



needs leave this to your self, or discern himself; for if he bids you come, you will not stay; and if he would have you stay, you will not come: but whether it be fittest to come or stay cannot be prudently judged here, therefore (my Lord) doe that which shall be best approved there for His Majesties Service. And as much as I desire to see you, I will be bold to adde this, that I hope you will not stir to come thence, till you have so settled the Country, or at least the Kings Party there, as that you may be sure they maybe safe, till farther course for Security may be taken: for I do not know how much it may dishearten them if your Graee come away from them too soon.

In tender care of His Majesties both Safety and Honour, I have done and do daily call upon him for his Preparations. He protests he makes all the haste he can, and I believe him; but the jealousies of giving the Covenanters umbrage too soon, have made Preparations here so late. I doe all I can here with trouble and sorrow enough.

Here is News that three Ships-full more of Arms are come to Leith from Poland; whence have they money to buy all this? If this be true, the King of Poland hath watched a shrewd opportunity to quit the King for the late neglect of his Ambassadour. And that which troubles me not a little is, that the Kings Party there (I doubt) is not half so well provided of Arms as the Covenanters are.

For the Money you mention, I wish with all my heart you had received it, for at the rising of the Assembly most miserable will be the Condition of them who have faithfully served God and the King. I have now again put it to the King, and he sees enough, but cannot well tell how to help it; yet this he said, If he could possibly scrape so much together, it should be had.

I pray be pleased to thank the Dean for his great pains, though it cost me the sitting up some part of the night to read it. His Letter, beside that Discourse, contains but two things, The necessity of a present shew of Force against the rising of the Assembly, before men be urged to new Confederacies, and Subscriptions to all things determined in this Assembly; The other, that some care may be had for the poor Ministers, who will be put to the greatest sufferings, and all for God and the King. And to these two I have said as much as I can, and shall daily labour with the King to doe all that may be done for them. I pray God bless your Lordship, but I am infinitely sorry so much Grace and Goodness of the Kings should be no better received. To Gods blessed Protection I leave you, and all your Endeavours, and shall ever shew my self

Your Graces most faithful Friend,  
and humble Servant,

Whitehall, Decemb. 7. 1638. W. CANT.

1638.—December 8.

106. *Proclamation by the King.\**

CHARLES, By the grace of GOD, King of SCOTLAND, ENGLAND, FRANCE, and IRELAND, Defender of the FAYTH, To Our Lovits, Herauldes, Pursevantes: Our Shyreffs in that part, conjunctlie, and severallie, speeiallie constitute, Greeting. WHERE-AS, for the removing of the Disorders, which haue happened of late within this Kingdome; And, for settling of a perfect Peace in the Church, and Common-wealth there-of, WEE were pleased, to call and indiet A FREE GENE-

RALL ASSEMBLIE to bee holden at GLASGOW, the xxj day of November last; And for Our Subjects their better content and assurance, that they should bee freed of such thinges as by their Petitions and Supplications given in to the Lordes of Our Privie Councell, they seemed to be grieved at, WEE, in some sort, prevented the Assemblie, by discharging, by Our Proclamation, the Service-Booke, Booke of Canons, and High Commission, freed and liberate all Our Subjectes, from praetising of the five Articles, excemed all Ministers at their entrie, from giving anie other Oath, than that which is containyd in the Act of Parliament; Made all persons, both Ecclesiasticall and Civill, lyable to the Censure of Parliament, Generall Assemblie, or anie other Iudicatorie competent, according to the nature of their Offence; Had declared all by-gone Disorders absolutelie forgotten, and forgiven: And last; For securing to all Posteritie, the Trueth, and Libertie of RELIGION, did command the Confession of Fayth, and Band for mayntenance thereof, and of Authoritie in defence of the same, subserybed by Our deare Father, and his Householde, in ANNO 1580, to bee renewed, and subserybed agayne by Our Subjectes heere. And, albeit that this Our Gracious and Pious Commaund, instead of Obedience and Submission, rancountred open and publicke Opposition and Protestation agaynst the same; And that they continued their daylie and hourlie guarding and watching our Castle of Edinburgh, suffering nothing to bee imported there-in, but at their discretion: stopping and impeding anie importation of Ammunition, or other Necessaries what-so-ever, to anie of Our Houses within this Kingdome: Denying to Us their Soveraygne Lord, that Libertie and Freedom, which the meanest of them assumed to themselves, (an Act without precedent or example in the Christian World:) Lyke as they spared not, boldlie and openlie to continue their Conventions, and Councell-Tables, of Nobilitie, Gentry, Ministers, and Burgesses, within the Citie of Edinburgh: Where, not regarding the Lawes of the Kingdome, without warrand of Authoritie, they conveyed, assembled, and treated vpon Matters as well Ecclesiasticall as Civill, Sent their Injunetions and Direetions throughout the Countrey, to their subordinate Tables, and other vnder Ministers apoynted by them for that effect: And, vnder colour and pretext of Religion, exereising an vnwarranted Libertie, requyred obedience to their vnlawfull and illegall Directions, to the seene prejudice of Authoritie, and lawfull Monarchicall Government. And not-with-standing it was evidentlie manifest, by the illegall and vnformall Course taken in the Election of the Commissioners for the Assemblie; whereof some of them were vnder the Censure of this Church, some vnder the Censure of the Church of Ireland, some long since banished, for avowed teaching agaynst Monarchie: others of them suspended, and some admitted to the Ministerie, contrarie to the forme preserybed by the Lawes of this Kingdome: others of them Rebels, and at the Horne: some of them confined, and all of them by Oath and Subscription, bound to the overthrowe of Episcopall Government. And by this, and others their Under-hand-working, and private Informations, and perswasions, had given just ground of Suspicion of their Partialitie; and so made themselves vnfit Iudges of what concerneth Episcopacie. And als, albeit it was sufficientlie cleared, by the peremptorie and illegall Procedures of the Presbyteries, who at their owne hand, and by order of Lawe, and without due forme of

\* Dr M'Crie's Collection of Pamphlets, verified by certified copy among the Records of the Church.



Processe, thrust out Moderators lawfullie established, and placed others, whome they found moste inclynable to their turbulent Humoures, assoeiate to themselves, for choosing of the Commissioners to the Assemblie, a Laicke Elder out of each Parioch; who beeing in moste places equall, if not moe in number than the Ministerie, made ehoyse both of the Ministers who should bee Commissioners, from the Presbyteries, as also of a Laicke Elder, (which in tyme will proue to bee a dangerous Consequence, and import an heaue Burden to the Libertie of the Church, and Church-men) beeing more directed therein, by the Warandes of the foresayde pretended Tables, than by their owne judgementes; as appeared by the severall Instructions sent from them, (farre contrarie to the Lawes of this Countrey, and lovable custome of this Church) some whereof were produced, and exhibit by Our Commissioner, and publicklye read: One whereof directed to the Noble-men and Barons of each Presbyterie, doeth amongst manie other odde passages, require Diligence; lest (say they) by our owne Sillesnesse and Treacherie, wee lose so fayre an occasion of our Libertie, both Christian and Civill. A strange phrase, to proccede from duetifull or loyall-hearted Subjectes! The other, to the Moderators of severall Presbyteries, vnder the Title of Private Instructions, August 27, contayning, first, That these Private Instructions shall bee discovered to none, but to Brethren well-affected to the Cause. 2. Order must be taken, that none be chosen Ruling-Elders, but Covenanters, and these well-affected to the Businesse. 3. That where the Minister is not well-affected, the Ruling Elder bee chosen by the Commissioners of the Shyre, and spoken vnto partieularlye for that effect. 4. That they bee careful, that no Chappell-men, Chapter-men, or a Minister Iustice of Peace bee chosen, although Covenanters, except they haue publicklye renounced or declared the vnlawfullnesse of their Places. 5. That the Ruling Elders, come from everie Church, in equall number with the Ministers. And if the Minister oppose, to put themselves in possession, notwithstanding of anie opposition. 6. That the Commissioner of the Shyre, cause conueane before him the Ruling Elder of everie Church, chosen before the day of the Election, and injoyne them, vpon their Oath, That they giue voyce to none, but to those who are named alreadie at the Meeting of Edinburgh. 7. That where there is a Noble-man in the boundes of the Presbyterie, hee bee chosen: and where there is none, there bee chosen a Baron, or one of the best Qualitie; and he only a Covenanter. 8. That the ablest man in everie Presbyterie bee provided to dispute, *De potestate supremi Magistratus in Ecclesiasticis præsertim inconvocandis Conciliis*, &c. Whereby it is moste evident, what Prelimitations, and indirect and partiall Courses, and dangerous Propositions, haue bene vsed in the Preparations and Elections to this pretended Assemblie. By which vnlawfull doinges, altho Wee had sufficient reason, to haue discharged the Meeting of the Assemblie, yet We pleased patientlie to attende the same: Still hoping, that when they were met together, by the presenee of Our Commissioner, and assistance of some well-affected Subjectes, who were to bee there, and by their owne seeing the reall performance of what was promised by Our Proclamation, they should haue bene moved to returne to the due obedience of Subjects. But when Wee perceaved, that ther turbulent Dispositions did increase, as was manifest by their repairing to the sayde pretended Assemblie, with great Troups and Bands of Men, all boden in feare of

Warre, with Gunnes and Pistolls, contrarie to the Laws of this Kingdome, and in high contempt of Our Proclamation at Edinburgh, the xvj of November last. As also by their peremptorie refusing to the Assessoures authorized by US, (altho fewer in number than our dearest Father was in vse to haue) the power of Voting in this Assemblie, as formerlie they had done in all others: openlie averring, That Wee nor Our Commissioner had no farther power there, than the meanest Commissioner of their number: and by their partiall and vnjust refusing, and not suffering to bee read, the Reasons and Argumentes given in by the Bishops, and their Adherentes, to Our Commissioner, why they ought not to proccede to the Election of a Moderator, neyther yet to the trying and admitting of the Commissioners, before they were heard, tho in Our Name they were earnestly requested therevnto by Our Commissioner. And not-with-standing that Our Commissioner, by Warrant from Us, gaue in vnder his hand, a sufficient Declaration of all that was contayned in Our late Proclamation: Bearing lykewyse Our Pleasure, of the Registration of the same in the Bookes of Assemblie, for full assurance of the Trueth and Libertie of Religion, to all Our good Subjectes; as doeth clearlie appeare by the Declaration it selfe, where-of the Tenour followeth: THE KING'S MAIESTIE beeing informed, That manie of his good Subjectes haue apprehended, that by the introducing of the Service-Booke, and Booke of Canons, the inbringing of Superstition hath bene intended, hath bene graciouslie pleased to discharge; Lyke as by These hee doeth discharge the Service Booke, and Booke of Canons, and the practise of them, and eyther of them; and annulleth and rescindeth all Actes of Councell, Proclamations, and other Aetes and Deedes whatsoever that haue bene made, or published, for establishing of them, or eyther of them; and declar-eth the same to bee null, and to haue no force, nor effect, in tyme comming. THE KING'S MAIESTIE, as hee conceived for the ease and benefite of the Subjectes, established the High Commission, that thereby Iustice might bee administrate, and the faultes and erroures of such persons as are made lyable therevnto, taken order with, and punished, with the more conveniencie, and lesse trouble to the people: But finding his gracious intention therein to bee mistaken, hath bene pleased to discharge, Lyke as by These hee doeth discharge the same, and all Actes and Deedes whatsoever made for establishing thereof. AND, The King's Majestie beeing informed, That the vrging of the fiue Articles of Pearth Assemblie, hath bred Distraction in the CHURCH and ESTATE, hath bene graciouslie pleased, to take the same to his Royall Consideration; and, for the Quyet and Peace of his Countrey, hath not onlie dispensed with the practise of the saydes Articles; But also discharged all and whatsoever persons, from vrging the practise thereof, vpon eyther Laicke or Ecclesiasticall person whatsoever; And hath fred all his Subjectes, from all Censures and Paynes, whether Ecclesiasticall or Secular, for not vrging, practising, or obeying them, or anie of them, notwithstanding of anie thing contayned in the Aetes of Parliament, or Generall Assemblie, to the contrarie. AND, His Majestie is farther contented, That the Assemblie take the same so farre to their Consideration, as to represent it vnto the next Parliament; there to bee ratified, as the Estates shall bee found fitting. AND, Because it hath bene pretended, That Oathes haue bene administrated differeut from that which is set downe



in the Actes of Parliament, his Majesty is pleased to declare by mee, That no other Oath shall be required of anie Minister at his Entrie, than that which is set downe in the Act of Parliament. AND, That it may appeare howe carefull his Majestie is, that no Corruption, or Inovation, shall creepe into this Church, nether yet anie Scandall, Vyce, or Fault, of anie person whatsoever, censurable or punishable by the Assemblie, goe long unpunished. HIS MAIESTIE is content to declare by mee; and assure all his good People, That Generall Assemblies shall bee kept so oft, and also oft, as the Effayres of this Church shall requyre. AND, That none of his good Subjectes may haue cause of Grievances agaynst the Proceedings of the Prelates, HIS MAIESTIE is contented, That all and everie one of the present Bishops, and their Successours, shall bee answerable, and accordingly from tyme to tyme, censurable, according to their merites, by the Generall Assemblie. AND, To giue all his Majestie's good People full assurance, that hee never intended to admit anie Alteration, or Change, in the True Religion, professed within this Kingdome; AND, That they may bee truelie and fullie satisfied, of the Realitie of His Intentions, and integritie of the same, His Majestie hath bene pleased, to requyre and commaund all his good Subjectes, to subscribe the Confession of Fayth, and Band for mayntenance there-of, and Of His Majestie's Person, and Authoritie, formerlie signed by his deare Father, in Anno 1580; And nowe also requyred all these of this present Assemblie, to subscribe the same. AND, It is His Majesties will, That this bee insert and registrat in the Books of Assemblie, as a Testimoniall to Posteritie, not onlie of the sinceritie of his Intentions to the sayd True Religion, but also of His Resolution, to mayntayne and defend the same, and His Subjectes, in the Profession there-of. Which Declaration was by Our speciall Commaund and Direction given in, and subscribed by Our Commissionour, vpon Protestation made by him, That his assenting to the registrating heere-of, should bee no Approbation of the lawfulnessse of this Assemblie, nor of anie of the Actes or Deedes done or to bee done therein. And finding them in lyke sort, nowayes to be satisfied therewith, and that nothing else was able to giue them content, except at their owne pleasure they were permitted to overthrowe all Episcopall Government in the Church, and thereby to abrogate Our publicke Lawes standing in vigour, by the space of manie yeares by-gone, and to alter the fundamentall Government of this Kingdome, in taking away one of three Estates, contrarie expresse Actes of Parliament. And lest the continuance of their meetings, might haue produced other the lyke dangerous Actes so derogatorie to Royall Authoritie; Wee were forced for preveaniug thereof, and for the causes and reasons aboue mentioned, and dyverse others importiug true Monarchicall Government, to dissolue and breake vp the sayde pretended Assemblie, and to discharge them of all farther meeting, treating, or concluding of anie thing therein: And yet in that calme and peaceable way, as Our Commissioner before his removing desired their pretended Moderator for that tyme, to haue sayde Prayer, and so concluded that dayes Session; that so they might haue had tyme to thinke vpon the just reasons of his refusing, to assist or bee anie longer present at the sayde pretended Assemblie; and of the causes moving Us to the dissolving thereof. And notwithstanding his earnest vrging the same, and being willing to returne the next Morne to heare their Answers, in place of all other satisfac-

tion to his so reasonable and moderate desires, was refused, and met with a Protestation, of an high and extraordinarie strayne: Thereby presuming to sute and call our Counsell in question, for their duetifull assistance, and obedience vnto Us, and Our Commissioner. And finding their disobedience thus to increase, Wee were constraied to discharge them anewe agayne the next day thereafter, by publicke Proclamation, vnder the Payne of Treason. And albeit that their continuance is such, as hath not bene heard in former tymes yet they shall never moue Us, to alter the least poynt or Article of what Wee haue alredie declared by Proclamation, or Declaration vnder Our Commissioner's hand: All which was publickly read, and by our Commissioner requyred to bee insert and registrated in the Bookes of Assemblie, therein to remayne as a Testimonie to Posteritie; not onlie of the sinceritie of Our Intentions to the true Religion; but also of Our Resolution, to mayntayne and defende the same, and Our Subjectes, in the Profession thereof. AND perceaving lykewyse, That in contempt of OUR PROCLAMATION at GLASGOW, the xxix of November last, they goe still on, to conueane, meete, and to make illegall and vnwarrantable Actes, WEE haue conceived it fitting, to forewarne all Our good Subjectes, of the Daunger that they may incurre, by being insnared by these their vnlawfull Procedures: And, to this purpose, doe not onlie liberate and free them, from all obedience to anie of the pretended Actes made, or to bee made, at the sayde pretended Assemblie, or Committees direct therefrae: but also doe free them from all Payne and Censure which the sayde pretended Assemblie shall inflict vpon them, or anie of them: AND, THEREFORE, Doe discharge, and prohibite, all Our Subjectes, That they, nor none of them, acknowledge, or giue obedience, to anie pretended Actes, or Constitutions, made, or to bee made, at the sayd pretended Meetings, vnder all highest Paynes. AND, WEE commaund, charge, and inhibite, all Presbyteries, Sessions of Churches, and Ministers, within this Realme, That none of them presume, nor take vpon hand, privatelie, nor publickly, in their Sessions and Meetings, nor in their Conferences, Sermones, nor none other manner of waye, to authorize, approue, justifie, or allowe, the sayde vnlawfull Meeting, or Assemblie, at GLASGOW, nor yet to make anie Act thereupon, nor to doe any other thing, private, or publicke, which may seeme to countenance the sayde vnlawfull Assemblie, vnder the Payne, to bee holden, reputed, and esteemed, and persued, as guiltie of that vnlawfull Meeting, and to bee punished for the same, with all Rigour. AND SUCH-LYKE, WEE commaund all and sundrie Noble-men, Barrons, Gentle-men, and Magistrates, and all others, Our Liedges, who shall happen to bee present, and heare auie Ministers, eyther in publicke or private Conferences and Speeches, or in their Sermones, to approue, and allowe, the sayde vnlawfull Assemblie, to rayle, or vtter auie speeches agaynst Our Royall Commandementes, or Proceedings of Us, or our Counsell, for punishing or suppressing such enormities; That they make relation, and report thereof, vnto Our Counsell, and furnish probation; to the effect the same may bee accordingly punished; as they will answer to US thereupon: Certifying them, who shall heare, and conceale the sayde speeches, that they shall bee esteemed as Allowers of the same, and shall accordingly bee taken order with, and punished therefore, without favour. AND, To this effect, WEE lykewyse straitly charge, and commaund, all Iudges



whatsoever within this Realme, Clerks, and Wryters, not to graunt or passe auie Bill, Summonds, or Letters, or anie other Execution whatsoever, vpon anie Act or Deed proceeding from the sayde pretended Assemblie; AND all Keepers of the SIGNET, from signetting thereof, & that vnder all highest Paynes. AND, Because Wee gaue Order and Commaund, to Our Commissioner, to make open Proclamation, not onlie of Our Sense, but even of the true meaning of the Confession of Fayth, in Anno 1580; by which it may clearlie appeare, That as Wee never intended thereby to exclude EPISCOPACIE; So by no right construction can it bec other wayes interpreted; as is more than evident by the Reasons containyd in the sayde Declaration, and manie moe, which for brevitie (the thing in it selfe beeing so cleare) are omitted. HEREFOR, WEE doe not onelie prohibite, and discharge, all Our Subjectes, from subscribing anie band, or giving anie Writ, Subscription, or Oath, to or vpon anie Act or Deed, that proceedeth from the sayde pretended Assemblie: but also doe requyre them, Not to subscribe nor sweare the sayd Confession, in no other sense, than which is containyd in the sayd Declaration, manifested and emitted by Our Commissioner, vnder all highest Paynes. AND, That none of Our good Subjectes, who in their duetie and bound obedience to US, shall refuse to acknowledge the sayd pretended Assemblie, or anie of the pretended Actes, Constitutions, Warrandes, or Directions, proceeding therefrac, may haue just ground of feare of danger or harme by doing hereof, WEE doe by These promise, AND, UPON THE WORD OF A KING, Oblidge Our Selues, By all the Roall Authoritie and Power wherewith GOD hath endewed US, To protect and defend them, and everie one of them, in their Persons, Fortunes, and Goods, agaynst all and whatsoever person or persons, who shall dare or presume, to call in question, trouble, or anie wayes molest them, or anie of them, therefore. AND, OUR WILL IS, And WEE commaund, and charge, That incontinent, these Our Letters seene, yee passe, and make publication hecreof, by open Proclamation, at the Mercat Crosse of EDINBURGH, and others places needfull; Where-through none pretend ignorance of the same. Given from Our Court at WHYTE-HALL, the viij day of December, and of Our Reygne the fourteenth yeare, 1638.

1638.—December 20.

107. *A Letter from the Generall Assembly at Glasgow to the Marques of Hamilton.\**

MOST NOBLE LORD,

Having beene witnesses of the loyall and regall proceedings at the last assembly at Glasgow, q<sup>r</sup> we know a humble supplication was appointed to be

\* Folio MS., f. 46. There is no date to this Letter in the copy from which we transcribe; but it was probably written about the time the Assembly 1638 dissolved itself on 20th December, when the Supplication to the King from the Assembly was adopted, (*vide* p. 41 of these Records.) Baillie, in his 11th Letter, dated September 28, 1639, gives the following account of the reception of that Supplication; and it is interesting as an index to the state of feeling on the part both of the King and Covenanters. It is stated in the Folio MS., that the Supplication to the King was "sent up w<sup>t</sup> Mr George Winrahame," who was probably, therefore, the bearer both of it and of this Letter to Hamilton. Baillie says (vol. i. p. 150), "The Supplication which we decreed in the Assembly of Glasgow

sent to his graceous Ma., in thankfull acknowledgement of the benefites q<sup>ch</sup>, by the indiction of that Generall Assembly, from his Ma. pietie and justice, doth redound to all his subjects, and for humble supplicating his Ma. to continow in his gracious resolution to performe his royall promise, in holding the Parliament indicted, from his owne bountie and goodnes, for ratifieng the acts and constitutions of that Assembly; as the same hath comfortablie refresched his Ma. loyall subjects, so will they be able to justifie themselves to any impartiall reader. Therefore we are bold to intreat your Lo. that, by your favour, our petition may have accesse to his Ma. royall hands, and unfolding your Lo. judgement, impartiallie to receive the simple trueth, his Ma. may have better seasoned informations of his loyall and faithfull subjects' proceedings, then can be expected from the enemies of this Church and State, among quhom we shall be verie sorie to reckon your Lo., tho' we have too good reason to suspect your Lo. carriage here, in opposing the most reasonable motions, and justest actions, q<sup>ch</sup> did proceed from ws, quhensoever your Lo. perceived any of our just demands in the least measure to be any wayes dissonant from his Ma. pleasure. But quhen we remember your Lo. best arguments ever to have beene more for satisfieing of his Ma. desires, (oft tymes proceeding from the Sinistrous information and Calumnies of our enemies, for their owne ends,) then any other ground or reason quhilk we could find, we are confident, as your Lordship loves both his Majesties honour, persone, and authoritie, that yow give reall prooffe of it at this tyme, both by your Lordships meanes, who hes taken so great and insatiable paines in this bussinesse, his Ma. may know the trueth of our proceedings, that neither of these may run hazard in our sufferings. We acknowledge it not to be the leist of our evils, indeed, that our graeeous Sovereigne lives at such distance; for, be the fountaine never so pure, the streames may, and oft tymes are, corrupted, before they can run so farr, if the channell be not verie cleane, q<sup>wh</sup>ich, to our great greefe and prejudice, hes beene wanting to our actions this long tyme; and if it be not supplied tymouslie by your Lo., both out of your duetie to our King and Countrie, we may, by interposition of our adversaries malice and power, as ecclipsed from the beames of

to be sent to the King, could hardly be got presented. However, many would have ventured to have gone with it though their heads should have gone therefor; yet understanding of the King's wrath and the danger there was, even in peaceable times, for any subject to play the ambassador, or capitulate with the Prince when he did not call for or his council did not send up, which by law and his declared will is appointed to be his only informer in high points of state; also hearing oft words from court of great spite against the very lives of most of our nobles, gentry, and ministry, who were able to agent our business, it was resolved that none of note or parts should go up, without greater assurance of their return than could for that time be expected; and withal, a gentleman of the Marquis of Hamilton's acquaintance, Mr George Winram, undertook, on all hazards, to deliver to the Marquis the Supplication, and, upon his refusal, to give it to the King himself. He was no worse than his word, as, indeed, some of our fair undertaking statesmen thereafter did prove. He went to Court, shewed the Marquis his errand. His Grace acquainted the King, who was pleased that it should be received. His Grace took it, and on his knec read it to his Majesty in the Council. The best answer it got was, 'When they have broken my head, they would put on my cowl.'



his Ma. favour, be the first sufferers. But his Ma. cannot but find his owne losse, by sympathising with his loyall subjects in the so much threatned ruine of this his native and antient Kingdome; and we will never beleive that such thought can possesse the heart of so gracious a King, But are confident, when the trueth of all our actions shall, without any by respect, (as we take God to witnesse, we had no other end but for his divine glory, and the honour of our King,) be made knowne, and pondered in the ballance of his Ma. righteous judgement, our fidelitie and loyaltie shall appeare; and his Ma. gracious dealing, in adding the Sanction of his royall auctoritie and Civill law, by Parliament, for corroborating the religious constitutions of that late and most lawfull nationall Assembly of this Kirk, will be a most evident demonstration of his Majesties pietie and justice to the discoverie of his secrete enemies, the comfort of all his loyall subjects, and his Majesties never dieing glorie; for all quhich ends, and for expressing our duetie and obedient respect to his Majestie, we could excogitat nothing more conduceable then, by that humble supplication, heartilie to acknowledge our thankfulness for the effects of his foregone favour and bountie, and humblie to cravethat his Majestie may, for establishment of religion, joyne the authoritie of Civill law, as the strongest bond of our obedience; and we hope that your Lordships affection to religion, your countrie, and your respect to his Majesties honour, and the equitie of our desires in a bussines deserving the greatest, and beseeming the best affected, instruments, will be sufficient motives to make your Lordship contribute your best endeavours for settling such a solide peace in this Kirke and Kingdome, as may preserve that love and heartie obedience dew to his Majestie; q<sup>ch</sup> is and shall be the sincear and earnest desire of

Your Lordships humble Servants.

## Report of Proceedings

OF THE

### GENERAL ASSEMBLY AT GLASGOW, 1638.

HAVING, in the foregoing pages, given an account of the occurrences which preceded this memorable Assembly, and reprinted from the authentic edition, the principal Acts which it passed; and, having superadded thereto, an abstract of various proceedings not embraced in any copies of those Acts hitherto published, as well as an ample collection of historical documents therewith connected, we shall further add to these particulars, a detailed Report of the whole of the discussions that took place from the first meeting on 21st November to the dissolution of it on 20th December 1638.

For the valuable MS. whence this Report is taken, we are indebted to the politeness and liberality of Mr J. Smith, youngest, of Glasgow. It forms a portion of a volume of MS.S. belonging to Stirling's Library in that city, which also contains a similar report of the proceedings in the subsequent Assembly of 1639, and various other curious documents relative to that period of the Church's history. The hand-writing may be referred to the period of the Assembly, or the middle of the seventeenth cen-

tury; and from several markings on the volume, in the handwriting of Wodrow, which is well known, it appears to have at one time formed a part of his valuable collection of historical and ecclesiastical records. The volume may be referred to as "The Folio Manuscript." Of its subsequent history we have no information; but from all its characteristics we consider ourselves warranted to assume that it possesses a high degree of authenticity. The volume referred to is marked "Stirling's Public Library, c. i. 11," and in the index prefixed there are the following items:—

"*Imprimis*—a Collection of Petitions, Remonstrances, Narrationes, Speeches, and other peapers, published in the beginning of our troubles in 1636, out of which may be gathered a perfect historie, y<sup>of</sup>—from folio 1 to 94."

"*Item*—the Sessions, Actings, and Canons of the 2 Gen<sup>l</sup> Assemblies holden att Glasgow & Edinburgh, the one in 1638, y<sup>e</sup> oy<sup>r</sup> in 1639, containing att great length everie thinge that past, ather spoken or done y<sup>in</sup>: This takes up till folio 312."

It is from the record thus described that the following report is extracted.

Before the MS. which we have adopted had come into our hands, Mr David Laing, librarian of the Writers to the Signet, had kindly communicated another and similar report, but wanting several leaves both at the beginning and end; and we were in hopes ere now to have had also in our possession a third MS. belonging to Mr Simpson, schoolmaster of Corstorphine, from which Dr Aiton states he took his account of the Assembly 1638, that is given in his Life of Heuderson. Circumstances, however, have occurred to prevent this; but we are enabled, on the authority of Professor Fleming, of Glasgow College, who has collated these MS.S., to say that it coicides entirely with the Stirling's Library Copy. Mr Laing's copy seems to have at one time belonged to Dr Boog of Paisley: Mr Simpson's was found in the repositories of a deceased brother, who was a preacher of the Secession communion; but we have not been able to learn any further particulars than those now mentioned, with respect to the several MS.S. referred to. The one which we subjoin, however, and the other documents that we have collected, will, we trust, render the present, on the whole, the most complete account of the Glasgow Assembly which has ever yet been published.

In addition to the documents contained in the "Large Declaration," "Burnet's Memoires of the House of Hamilton," and "Balfour's Annales," we have to acknowledge the accession which we have obtained of some of the earlier edicts of Charles I. and the Scotch Privy Council, derived from the original record—an obligation which we owe to Mr A. M'Donald of the Register House, and which we prize the more, because these documents have been *suppressed* in the various works to which we refer. To the Rev. Mr M'Crie, too, we are indebted for the use of a Collection of Documents which



belonged to his distinguished father, from whence we have gleaned several important writs, the authenticity of which is established by the duplicates attested under the hand of Archibald Johnston, the Clerk of the Assembly 1638, still in the repositories of the Church.

[November 21, 1638.]

The first day, the Commissioners from the King and Kirke being conveyed, after prayer be Mr John Bell, Moderatour, agreed upon till a moderatour was chosen, The King's Commission to the Marquis was [read], next the Commissions from 66 severall presbitries wer given into the Clerkes some of the former Assembly, together with the Commissions from townes and colledges, and the names of the Commissioners red.

Sess. 1.\*

After in calling vpon the name of God, The Kings Commissioner requyred that the Commissions might be examined before a Moderatour should be chosen, least some men should voit in chooseing a Moderatour, who wer not instructed with a sufficient Commission.

It was answered be the Earle of Rothes, Lord Loudoun, Mr Alex<sup>r</sup> Henrysone, Mr David Dick, and Mr W<sup>m</sup> Livingstoun, that a Moderatour behoved first to be chosen, before the Commissions could be examined, for thir reasons:—A Ecclesiasticall Moderatour should be chosen by the suffrage of such as have given in their Commissions for the Kirke and Burghes before particulars can be tryed—first, becaus this is the order and practise of the Kirke of Scotland. 2 reason, It is agrieable to reason, that the Assembly should descend by degrees to the constitution from a promiscuous convention, to a number instructed with commissions from the severall Kirkes of the kingdome, vnto whose commission that much respect is due, that they may be presumed to be, for the most part, valide and worthie, at the least [to] have a voice in choyseing of a Moderatour to themselves, by whose meanes everie commission may be more exactlie tryed. 3 reason, It is one of the poynts of the freedome of the Assembly, that the Commissioners from the Kirkes and burghes choyse their owne Moderatour, incontinent after the exhibition of the Commission, least any thing which concerns them be done inordourly or without the consent in the meeting where they are present. 4 reason, The Tryell of the Commissions is one of the worthiest matters of the Assembly, and never were there any discussion of the validitie of them before a Moderatour was chosen, and the judicatorie brought to a frame, so farre as the whole might judge of everie pairt; nor can they be discussed till the propper judicatorie be ance sett in a tollerable maner, which be the lawes hes authoritie to judge thereof. 5 reason, It was required in all the supplications for a free Assembly, that the questions belonging the maner and matter of Assemblies, should be referred to the Assembly it selfe; and, now a free Assembly is granted and indicted, therefore a formall Assembly must ance

be made before any ecclesiastick question belonging to the Assembly can be rightlie discussed, which cannot be done till a Moderatour be chosen by common consent of the Kirke conveyed. 6 reason, Seeing it is certaine, that these who are come doe represent the Kirkes from which they are come, and are instructed so well as they could be their knowledge, it were wrong done to the Kirkes conveyed, not to suffer them to begin their owne incorporation, and to draw their owne Members to some ordourlie frame that at the first entrie they may proceed ordourlie. 7 Reason, Whatsomever reason can be alleadgit why the Commissions cannot be postponed to the chooseing of the Moderatour, will be more valide to prove that they cannot be discussed before the chooseing of a Moderatour. 8 Reason, *Progressus erit in infinitum*.

My Lord Com<sup>r</sup> his Grace gave way to the chooseing of a Moderatour, provyding it shall no wayes import his Graces acknowledgement of the votters, or such as shall be meit, or any of them, to be lawfull Members of this Assembly. But it shall be lawfull to his Grace, or any other at convenient tyme, to say they cannot be lawfull Members thereof; whereupon his Grace took acts and Instruments, as likewayes protested in name of the Archbishops and Bishops of this Kingdome, that no nomination or election of a Moderatour, Commissioner, or other Member of the said Assembly, made or to be made, nor the receaving, admitting, or allowing of any pretendit nomination, election, or Commission, before, to, or at the said Assembly, past or to be past in favours of or in the behalfe of any Member thereof, shall prejudge them or any of them in their place, voit, office, jurisdiction, dignitie, or priviledge belonging to them or any of them, be whatsomever lafull right or custome, but that the same shall remaine to them, and everie ane of them, safe and inviolable, notwithstanding of anything done or to be done at the said Assembly; whairupon the said Commissioner his Grace tooke acts and Instruments. Farther craved ane other paper presented be Doctor Hamilton, in name of the Bishops, to be read publictly, quhilk being refused, the said Commissioners Grace protested, tooke acts and Instruments: farder, the said Commissioners Grace declared that his Majestie had appoynted six noblemen, his Assessours, to repair to Glasgow, and to have voit in the said Assembly; and for that effect his Majesties Letters, directed to them, was produced; and accordingly his Grace desired that, before any voting of the Moderatour, it should be condiscended that the foresaid Assessours should have voit, conforme to his Majesties Letters, which being refused, his Grace protested and tooke acts and Instruments.

Farder protested that the Bishops, who were authorized be act of Parliament, are called pretendit Bishops.

*The Protestation of the Commissioners fra Presbitries, Burghes, and Universities, and of the Complaints against Prelats.*

We Commissioners of Presbitries, Ministers, and Elders, Commissioners of Burghes, and Universities, in our owne name, and in the name of the whole Church of Scotland, whom we represent, That whereas his Majesties Commissioner protested that he gave way to the chooseing of ane Moderatour, without acknowledging of the voits of any of them to be lawfull members of this Assembly; but that it be lawfull to him or any other to say, at convenient tyme, why they cannot be lawfull members; We protest that this protestation made be my

\* It will be observed that there is a discrepancy as to Sessions and Dates during the earlier sederunts of the Assembly—the *third* being entirely omitted in this Report or blended with the second, while Baillie and the Clerk's abstract give a different arrangement; but we deem it our duty to adhere inflexibly to the text as it stands.—Ed.



Lord Commissioner his Grace, be no wayes prejudiciall to the lawfull commissions produced be Ministers, Elders, and Commissioners of burghes and univ[er]sities, q<sup>th</sup> shall be allowed unto this Assembly, nor unto the freedome thereof, nor be any ground of quarrelling this Assembly and the proceedings thereof, in any time coming; bot, on the contrare, seeing we offer to heare all objections in a competent Assembly, at the discussing of the particular commissions.

We protest that this Assembly, now fenced in the name of the Sone of God, be esteemed and reputed a free Generall Assembly in all tyme coming, and that it shall be lawfull to us to extend this our protestation, and insert the reasons thereof, in any tyme before the dissolving of this Assembly; whereupon we tooke instruments.

Lykeas we Commissioners of Presbitries, Burghes, and Universities in mauner foresaid, That q<sup>th</sup>as his Majesties Commissioner, in name of the Archbishops and bishops of this Kingdome, protested that no nomination or election of Moderatour, no allowance of any pretendit commission in favours of any Members of this Assembly, nothing done or to be done in this Assembly, past or to be past, shall prejudice them in their voit, office, jurisdictione or dignitie belonging to them, be whatsoever law or custome: We Protest against this protestation of his Majesties Commissioner made in favours of the pretendit bishops and their pretendit priviledges in this kingdome, untill they and y<sup>r</sup> rights and priviledges now complained upon be the most pairt of this Kingdome in y<sup>r</sup> summons, as usurpations, contrare to the word of God, Confession of faith, doctrine and discipline of this Kirke, to be tryed and allowed or disallowed in this Assembly, and that the determination y<sup>of</sup> therein, according to the word of God and Confession of faith, be esteemed and observed, and most just and lawfull; and we protest in favours of the liberties, priviledges, and discipline of this reformed church, and freedome of this Assembly in all ecclesiasticall matters, conforme to the Confession of faith and Covenant of this Kingdome, renewed with the Lord, and for libertie to extend this protestation, and the reasons thereof, before the dissolving of the Assembly; q<sup>upon</sup> we tooke Instruments.

Lykeas We Noblemen, barrones, Ministers, burghesses, and Commouns, subscribers of the Covenant and persuers in the Commoun Complaints and Summons against bishops, Protest that the Commissioner his Graces nomination of them, the Lords of the Clergie, and protestation in favours of y<sup>r</sup> calling, voits, dignitie, priviledges, be no wayes prejudiciall to the Covenant subseribed be us, to the polieie of the Kirke, nor to our Summons and Complaints against these our pretendit dignities, titles, and callinges, as contrare to the Confession of faith and word of God, nor to the freedome of this Assembly in their trying and discussing of our said Complaints; and we protest for libertie to extend this protestation; q<sup>upon</sup> we take acts and Instruments.

Lykeas, We Commissioners for Presbitries, burghes, and Universities, That q<sup>th</sup>as his Majesties Commissioner having craved aue paper, presented be Doctor Hamilton in name of the Bishops, to be red publictly, being refused, did protest and take Instruments, We protest that before aue Assembly was constitut, and the Moderatour chosen, we would heare no supplications, billes, nor protestationes, but after the constitutione of the Assembly we should heare the same and give them an answer, and protested that they might be there personallie present for to answer to the Summons and Com-

plaints against them, with libertie to adde y<sup>upon</sup> and tooke Instruments.

Lykeas, quhensoever his Majesties Commissioner protested against our protestations, both the Commissioners from burghes and universities on the one pairt, and the persewars and the Complainers on this, have renewed their protestation against the Commissioners protestations: We Commissioners from Presbitries, Burghes, and Universities, That quhereas his Majesties Commissioner produced his Majesties Letter to Six Noblemen for to be his Assessours, and accordinglie desired that the foresaid assessours should have voit according to his Majesties Letter, and protested upon the present refusall of it before the election of a Moderatour, we protested, that seeing his Grace was his Majesties sole Com<sup>r</sup>, that none should have voit but the Commissioners from Presbitries, Burghes, and Universities, for thir reasons, q<sup>th</sup>s we are readie to shaw, for thir reasons to the Assembly being constitut after the election of a Moderatour, and protested for libertie to extend their owne protestation, and insert the reasons thereof any tyme before the dissolution of this Assembly: q<sup>upon</sup> we tooke Instruments, and y<sup>r</sup>after gave in the reasons following.

Concerning the voiting of his Majesties Assessours in the Generall Assembly.

With that respect which we ought to his Majesties Commission, and to the persons and places of the pryme Noblemen and Counsellours, his Grace his Assessours, for the preservation of the libertie of the Kirke of Jesus Christ, in this his Majesties Kingdome of Scotland, we the Commissioners from particuler Presbitries, Universities, and burghes, here solemnlie assembled, in all humilitie, doe remonstrat that his Majesties Commissioner and Assessours can have but aue voit, in all matters treated and reasoned in the Assembly, for the reasons following:

1. Becaus the Generall Assemblies, in the matter of it, is ane ecclesiasticall meeting of persons ecclesiasticall, Ministers and Elders, representing the whole particular persons and presbitries quhilk collectively cannot convenientlie or possible conveine, and the Christian Magistrat doth not so much multiply voits for himselfe, as by his power, auctoritie, and command, and provyde that every particular Commissioners voit be asked and heard in order and quyetnes, that thereby the judgement of the Assembly, in everie poynt presented to their consideration, may be knowne.

2. We have had 39 Assemblies of this Kirke, without the presence of the Kings Majestie or any Commis[sio]ner sitting in the Assembly in his Majesties place.

3. It is not to be supposed that his Majesties Com<sup>r</sup> should have moe voits in his Ma. personall absence, then if he were in sacred persone present, since, *jure representationis*, they are all but ane, and ought to voit as ane.

4. This might prove contrare to his Ma. gracious intention, very prejudiciall to the libertie of the Kirke, there being no determination of the number of voits, for thus his M. affirmative voice might be turned in a negative; neither doth this Kirke want experience of this great danger.

5. As assessours sent from particuler presbitries for assisting, thir Commissioners have no place to voit, so it is to be supposed that these assessours, appointed to attend his Majesties Com<sup>r</sup>, are only to give their advice and assistance unto his Grace in the great affaires of the Assembly, that all matters may be orderlie and peaceablie disposed.



6. Although we doe not pry narrowlie into his Majesties Commission, yet since we perceave it is granted to the Marqueis of Hamiltoun as his Majesties sole Commissioner, we cannot admitt that any be equall to his Grace in voiting in the Assembly.

7. As the Ecclesiasticall Moderatour, be the Acts and practise of this Kirke, hath some Members of the Assembly joyned to him to be assessours, who yet thereby have no further power granted to them than they had before be their Commission, so it is with *preses politicus*.

And whereas, his Majesties Commissioner protested that the bishops who were authorised be Acts of Parliament were called pretendit bishops, the complainers against bishops protested that such they were and such they should be esteemed and called, conforme to the summonds; and the Commuissioners from presbitries, burghes, and universities, protested, that they should be so called till the complaints against them for the samien should be discussed, with libertie to adde; whereupon they tooke instruments.

The Moderatour for the tyme having declaired that the constitution of a Moderatour must be the first act, and goe before the act of examination of the Commissions, he puts upon the leitts Mr John Ker, Mr John Row, Mr James Bonar, Mr W<sup>m</sup> Livingston, and Mr Alex<sup>r</sup> Hendersone: the leitts being approven, and Mr Alexander Hendersone was chosen Moderatour be the voits of all the voits, not ane contrare except his oune.

Sess. 2.

[November 22.]

After in calling upon the name of God,

The Moderatour craved that a list might be given for chuseing of a Clerk.

The Com<sup>r</sup> asked why a clerk should be elected, seeing there was a clark there present, and what could be said against him why he should not execut the office in his fathers lifytyme?

The Moderatour answered—Please your Grace, the clerks sone could not be called the clerk.

The Commissioner required that the young man might have libertie to speake for himselfe, who, being permitted to speak, alledgit that his father was provydit to the office by the dimission of Mr Thomas Nicolsone, and hath served in the office after his dimission, and hath kepted the Registers, and hath given out extracts of the Acts and conclusions of the Assembly; and now being infirme and sicke, and not able to serve at the tyme, has surrogat me his sone in his place.

The Moderatour answered—Albeit Mr Thomas Nicolsone had the office and had demitted to his father, yet was not his Father elected by the Assembly; albeit, he had now possessed the office by the space of 20 yeares, yet I see not how the office can goe by deputation.

The young man answered—That beside the office of Mr Thomas Nicolsone, his father had the office by election in anno 1616.

The Moderatour answered—That he was not chosen by the voits of a free Assembly; and whether it was so or not, it matters not now, seeing he was become old, infirm, and sicke, and so unable to attend frequent Assemblies, which now we expect be the mercie of God, and with his Majesties favour and allowance; yet if there be any question in the matter, I shall ask the voits of the brether; but in my judgement, Edinburgh being the centure of the Kingdome, quhereunto all subjects have greatest

resort, it is expedient, yea necessar and good, that the clerk should reside att Edinburgh. I grant the Clerk received no detriment be his fathers function, becaus his employment was but small.

The Earle of Rothes answered—Albeit his father had undoubted right to the office, yet the office is not transmissible: whereupon the young man remitted his interest in the office to the consideration of the Assembly.

The Commissioner answered—By what power the young man could demitt his fathers right?

The young man answered—That he did not demitt his Fathers office, but onlie submitted his interest in it to the Assembly.

The Commissioner said—That he did not call in question the power of the Assembly concerning the election of a Clerk, but he desired to know how Mr Thomas Nicolsone having demitted his right in favours of the young man his father, and how his Father having enjoyed the office to this day, how ane other clerk should be elected, he being yet alive?

My Lord Lowdown answered—That his father being absent, old, and sicke, could not now supplie the place, and y<sup>r</sup> the Assembly, now convened, behooved to see to it, and surrogat ane other in his place—a man of skill and judgement—seeing he was *civiliter mortuus*—unable to come hither; yet I speake not this to prejudge his sones benefice, for the Assembly may consider of it; but if he hes a power from his father, he may submit that to the judgement of the Assembly, and the Assembly may choose ane other without doing wrong to the young man.

The Commissioner answered—If, by reason of Gods hand on the man, they would yet macke [him] further to be a sufferer and a loser, seeing he hath done the pairt of ane honest man, and his gift of office here doeth bear deputation, why will ye not suffer him to depute his sone in his place as others have done before? For albeit he be old, infirme, and sicke, that may not take away his place, if sicknes be on him by Gods hand, and againe throw time he shall be frustrat of the meanes to mentaine his life in his old age.

Lord Lowdown answered—It is charitablie and justlie pleaded, and I think he should not be prejudgit the meanes of his life in his old age; but seeing there are here two prejudices in hand—an to the Gencrall Assembly and other personall to the man—the lateis prejudice must yield to the former, and the Assembly must be served, and the man in his age and sicknesse supplid ane other way. As for deputation ane other in his place, we know he hes no power of it.

My Lord Rothes said—That the strenth of his fathers right to the office was not from Mr Thomas Nicolsones admission, but of that which the Assembly gave unto him; and what right the young man craved by deputation, he hath now put it in the hands of the Assembly.

The Moderatour asked—If the clerks place was not vacant for the tyme, and if it be not vacant, how shall the Assembly be provydit for a clerk for the tyme?

My Lord Rothes said—The Assembly calls for a clerk, and his father compeirs not; how is it furnished?

My Lord Lowdown answered—Let the young man who craves the right adhere to it, and let it be decydit by the Assembly, or els submitted to the Assembly, or els choose your oune Clerk.

Whereupon the young man submitted himselfe to the Assembly.

The Moderatour craved that a lite might be given in for chooseing of a Clerk, and so a lite of four was



given in : Mr Thomas Sandilands, sone to the clerk, Alex<sup>r</sup> Blair, John Nicoll, and Mr Archibald Johnstone ; and it was requyred that these men that shall be elected shall be obliged to reside at Edin<sup>r</sup>.

The Moderatour asked the Com<sup>r</sup> which of these four his Grace would voit into ?

The Com<sup>r</sup> answered—That he knew not any of them, neither would he voit to any of them, becaus he had not as yet seene a lawfull dimission of the present Clerk.

The Moderatour replied—Then your Grace will be a *non liquet*.

The Com<sup>r</sup> answered—I desire that the voits of the Assessours nominat by his Majestie might be asked in a nomination of a Clerk.

The Moderatour said—Secing your Graces assessours get no voit in chiooseing a Moderatour, being a superiour office, it was not fitt to trouble them with asking their voit anent the election of a Clerk, being an inferiour office.

The Com<sup>r</sup> craved that the protestation made yesterday might be read over againe the day, anent the Kings power in appointing of assessours ; which protestation being red,

The Com<sup>r</sup> craved that my Lord Argyle, Traquair, Southesk, Lauderdale, might voit according to his Majesties command, given in severall letters ; which Letters being sein and red,

Traquair craved that these assessours appoynted be his Majestie might have voit, as the custome was in King James, of worthie memorie, his tyme ; and declaired, according to his Majesties command, he was readie to assist and give his voit.

The Moderatour answered—That it was not want of due respect to their Lordships that moved them to refuse your Lordships voits in this, but onlie to mentaine the Kings libertie—quherfor your Lordship had als goed reason to be als zealous as any in the house.

Traquair replied—The employment of this particular was of such small moment, that except it were in obedience to his Majesties command, he would never clame it. As to the Kirks liberties, that they should be preserved ; yet why should any in the Kirk debarr the Kings Majestie from that libertie which to this day he never wanted in any Assembly ? If the Kings Majestie be standing in a particular possession of assessours to treat, reason, and voit, who should his Majestie be dispossessed now ?

The Moderatour answered—That they should either condescend to that his Lordship craved, or else satisfie him in reason ; and said, he would not deny but his Majestie had, in sundrie late Assemblies, moe assessours then his one Commissioner, and yet there were also many Assémbles that neither King, Commissioner, nor assessours were present : which late Assemblies he wished this present Assembly had no reason to put them to the tryall.

Traquair asked—If, becaus the King is not present now, as he was not present in ane other Assembly, if they would exclude him and these nominat be him to voit in this Assembly ?

Moderatour answered—There was no intention to exclude his Majestie, but rather wished his Majestie were present to be ane eye wnesse to all thir proceedings, and that he hoped for great favour from his Majestie if he were present, and that full satisfaction should be given to his Majestie, by Gods grace, to everie thing.

Sir Lues Stewart said—Secing it hath beene in use that his Majestie hath appoynted assessours, Commissioners, and all pertaining to the Geuerall Assembly, why not now also ?

Lowdown answered—There were sufficient rea-

sons why it should not be so, and these reasons were put in the hand of the Moderatour to be red.

Thir reasons being red, why the King only should have ane voit,

Traquair said—Not out of any affection of inemployment, but of love to the obedience of so gracious a prince, doe I take upon me to answer these reasons ; neither yet am I of such sharpness, capacitie, and quickness of witt, to make answer to everie ane of these particular reasons ; yet seeing we are tryed to make answer, we crave ane copie thereof that we may give our answer thereto, and desires that this matter of election of a Clerk may not be put to voiting till our reasons be heard.

The Moderatour said—It is good reason to be so, and all of us hes also good reason to be zealous of the Kings honour, authoritie, and priviledge, as any, yet his Lordship had also good reason to see to the Kirkes weill and libertie—the Mother of us all ; and when we perceave that the Kings Majestie, or any in his name, would urge that which may eneroach upon the liberties of the Kirke, they would labour to satisfie them in reason.

Traquair said—If I knew any thing would conduce more to the preservation and priviledge of the Kirkes liberties, then that his Majesties wonted authoritie should continue in the former vigour, I would condescend unto it.

The Commissioner said—I render my protestation, made in name of my assessours appoynted be his Majestie.

My Lord Rothes said—And we also adhere to the protestation made be us.

Traquair craved that his assessours might eik to his Graces protestation, which was granted.

Then the Voits of the whole Assembly wer craved anent the election of a Clerk *ad vitam*, and Mr Archbald Johuston was chosen and admitted unto all the rights, fies, and priviledges, pertaining to ane Clerk of before, to be extractit at large ; who, after the acknowledgement of the weightiness of the charge, and his insufficiencie for it, embraced it as having a calling from God, and the honourable Assembly.

The Moderatour desired to be informed if any more was requisite for his admission but a solemne oath of his fidelitie and diligence ?

Mr Johu Row answered—Nothing further, but that he should bring forth, keepe, and preserve the Registers of the Church ; at least so many as shall come in his hands, seeing pitifull experience could show how these Registers had been marred in former tymes.

Theu Mr Archbald gave ane solemne oath of his fidelitie and diligence, and consciois keeping, and use making of all Registers and documents, was taken of his acceptance and admission.

The Moderatour said—The Bookes and Acts of all former Assemblies should be produced, and put in Mr Archbalds hands.

Mr Thomas Sandilands answered—That he had receaved no Registers from his father, but only two books, containing some acts from the yeare 1590, till the Assemblée at Aberdein, holden 1616. which thereiu is only begunne with the Minuts of the Acts of the said Assembly of Aberdein, in a paper-apairt with the Minuts of St Androwes following 1617, with the acts of the Assembly at Perth, subscribed be Mr James Saudilands, and delivered the samen to the Assembly : And, being posed for therest of the registers, answered, in his fathers uame, that he had gotten these two from the Bishop of St Androwes, and had never receaved any moe, neither from him, nor from the Assembly, nor from anyuther.



The Moderatour craved that all the Registers might be had and brought forth from the hand of any Clerk or haver of them, affirming that these bookes had in them matters of greater weight then all uther evidents of land; for they wer the Kirke of Scotlands MAGNA CARTA, contayning all her priviledges since the reformation. He wished also that this Assembly should not be deprived of so powerfull a meane of information for proceeding in matters to be handled there.

The former Clerks sone affirmed that he had destroyed none of these bookes.

The Moderatour urged the production of these bookes, and desired the Commisisoner to take course for it.

The Commissioner answered—That he was willing to use any good meane that could be used for production of these bookes, if any could show in whose hands they were; for (said he) I desire not that any register should be absent, but, above all, the Kirkes Registers.

My Lord Rothes said—That, by a warrant from King James, the bookes wer taken from Mr Thomas Nicolsons and the last Clerk, and put in the hands of the pretendit bishop of St Androwes, and so of neid, force and course must be taken for getting of these bookes from the Bishop.

Mr Archbald Johnston said—That, by Gods providence, als many bookes were come in his hands, as should be able to make up a perfite register of the whole affaires of the Kirke, from the Reformation until this day, which Bookes he produced on the table, and declared by whom and what meanes they wer come to his hands—To witt, Mr Robert Winrahame, Depute-clerk under Mr Thomas Nicolsons, and from him to Alex<sup>r</sup> Blair; of quihich bookes there are fyve volumes in folio. But Mr Patriek Adamsone, Bishop of St Androwes, rent ane of them, and yet there are four to the foir of them, written be Mr James Richie and Mr Thomas Nicolsons, q<sup>o</sup>f the first two containes the acts of Assembly from the year 1560 to 1572, subscribed by John Gray, Clerk to the Assembly; and the third volume, fra 1586, till 1590, written and subscribed in the margine be Mr James Richie, Clerk to the said Assembly—the first Booke being ane great volume of the Acts of the Assembly, fra the year 1560 to 1590, (whereof he had but ane len from ane minister,) whereof, the first four volumes the said Mr Archbald declared he had receaved them from Alex<sup>r</sup> Blair, wreater, who was servant, and succedit in the place of modifications of Stipends to Mr Robert Winrahame, who had a deputation from Mr Thomas Nicolsons, Clerk to the Generall Assembly.

The Moderatour said—These are good and comfortable newis unto the Church of Scotland—that a perfect Register of the Acts of the Assemblies are yet to the foir, and that it was neidfull that course be taken for tryell of these bookes, whether they be these same bookes written be the Clerks, or be their deputs, or Copies only of these bookes.

It was answered be the Clerk, That they are the same, written and subserved be the Clerkis oun hand, and the leaves riven out of ane of them be the bishop from the 22 to the 27 leafe, may yet be knöwen be the marked number of the leafes. The first Clerk, Mr John Gray, who subscribed everie Assembly with his hand. The next is also subscribed; and ane Memorandum on the first leaf of it, where Mr Archbald Huntar past to the Chancelour Maitland and receavet that Volume, and this uther, and the halfe of that which was rent by Bishop Adamsone, is marked in the next booke. The third

booke, and the first act of it, is the election of Mr James Richie, Clerk; which booke is all of ane hand write. The ane booke is from the 60 to the 70 year; the next from the 79 wherein the bishop of St Androwes is censured and excommunicat; and now, in God's Providence, there is now in the present Clerks hands a perfyte Register from the 70 year to this last Assembly, for which all of us have reason to praise God.

The Commissioner said—See that we build on aue suir foundation, and try weill that these bookes be authenticks.

The Moderatour craved that some judicious men, and skilled in dignoseing hand writtes, might be nominat for tryell of these bookes; and intreated the Earles Lawderdaill, Southesk, and Argyle to take inspection of the Bookes.

Argyle objected his youth and unskilfulness for so weightie a charge, yet, at command of the Commissioner, declaired his willingnes to assist the work.

The Com<sup>r</sup> said, that if his aune paines could contribute any thing to the furtherance of the worke, he would be readie to sit up day and night, but would not lay the burthen on his assessours; for, he said, seeing it is refused that they should be Members of the Assembly, he said he saw not how they could be appoynted for trying of these Registers.

The Moderatour answered—We are hopefull that their Lordships will not refuse to further the good of this Assembly, seeing it is said heir, it is not for want of due respect we owe to their Lordships, but only for preservation of the Kirkes liberties, as said is.

The Com<sup>r</sup> said—I cannot see how these that are not granted to be Members of the Assembly, can cognosce bookes containing matters of so great weight.

The Moderatour answered, that they can best judge.

The Commissioner said—But I cannot cousent unto it. Therefor

The Moderatour said—Let the skilfullest of the Clerks of Session, Counsell, and burrow Clerks, with the Ministers, such as the Laird of Durie, the Clerk of Dundie, Mr Alex<sup>r</sup> Pearsons, with their Assessours to help them of the Ministrie.

Mr James Bonar.

Mr John Row.

Mr John Livingstone.

Mr Andrew Ramsay.

[The Moderator called upon] Mr John Row.

Mr John Row answered—That he had yett in his hands the booke of the Kirke Policie subscribed be Mr James Richie, Clerk, which will serve to dignosce the hand writt.

Mr Archbald Johnston said he had the principall Booke of Policie, written in lumbard paper, in his hand, which also would condee to that end.

This being judged to be the fittest way for tryell of the Registers of the Kirk, and makeing them to be authentick,

The Moderatour desyred that the Commissioner would proceed to try the Members of the Assembly and the Commissions, that soe the Assembly might be fullie constitut.

The Commissioner answered—That he who yesterday presentit a written paper from the Lords of the Clergie, desires that his bill or paper might be first read for information giving, anent the Members of the Assembly to be constitut; and becaus the reading of it yesterday was denyit before a Moderatour was chosen; now ane Moderatour and Clerk also being chosen, I desire this paper to be read; seeing the objections q<sup>ch</sup> were proponed yesterday



are now removed, and that Doctor Robert Hamilton may be called, to produce the paper, written in name of the Lords of the Clergie and their adherents; who being called, compeired and presented his paper to the Commissioner, desiring he would give charge to read it.

The Moderatour said—Some parte of the Impediments of reading it in publie are removed, but not all; for the Assembly is not as yet constitut fullie. But, so soone as the Assembly is constitut, it shall be read before any other bill or paper qwhatsoever.

The Commissioner urged still the reading of it before the Members of the Assembly were agried upon and constitut, becaus the paper contained many thinges neidfull to be known before the Members of the Assembly be constitut.

My Lord Lowdown answered—That the reasons proponed yesterday for not reading of it, are yet standing in force; and as it was inexpedient yesterday that it should not be read till a Moderatour was chosen, so it is yet inexpedient till all the Members of the Assembly be fullie constitut; for, (said he,) there is no Assembly constitut till the Commissions of the Commissioners to the Assembly be tryed.

The Commissioner replied—It is a hard cause, that a man eited before the Assembly should not be heard to object against the Members of the Assembly who were to be there judges. Who ever heard that a man accused as guiltie of a fault, was refused to be heard to object against his judge?

My Lord Lowdown answered—If the objection wer now against the whole Assembly, it could not be read before the Assembly wer constitut to be judges. But if the objections wer against any particular Member of the Assembly, it were only fitt tyme to object when that mans Commission were in reading.

My Lord Rothes said—Let objections be given in against a partiular Member and it may be heard, but cannot be heard against the whole Assembly before it be constitut; and

The Moderatour eiked—If that paper should open your eyes to give further light after constitution of the Assembly, that the error of not reading it before shall be repented in dew time; for no sooner shall the Assembly be constitut but it shall be first read.

My Lord Commissioner said—I take instruments of your refusall to read it.

My Lord Lowdown answered—It cannot be said that the Assembly hes refused till it be ane Assembly constitut. Neither yet is the paper presented to the Assembly, but to your Grace.

The Commissioner replied—Because ye have refused I took it; and I crave it might be read.

My Lord Lowdown answered—So soon as it is an Assembly, it shall be read.

The Moderatour said—Then let us proceed to the tryell of the Commissions, that the Assembly might be constitut, and then it shall be read.

The Commissioner said—I am content, so be my Lords of Clergie reecave no hurt nor prejudice; and before yee proceed, I ask documents that nothing be done in tryell of Commissions, and constituting the said Members of Assembly, to the prejudice of the said Lords of Clergie; and I desyre that the newlie constitut Clerk may pen aue act for this effect and give out ane extract of it.

The Clerk answered—I can neither make nor give out Acts without a warrand from the Assembly; and the Assembly cannot give warrand till it be constitut.

Then (said the Commissioner) I will take instruments in the hands of the Lord Register, seeing the Clerk of the Assembly refuses to write.

The Clerk said—I shall write it quhen the Moderatour gives direction; yea, I shall write it presentlie, but cannot give ane extract of it till the Assembly be constitut.

The Commissioner said—If ye be Clerk to all, why not to me? Shall I make a Clerk for myselfe? I did protest before, that niether the Lords of Clergie nor their adherents should be prejudged in their dignities or priviledges, by their refusing to read their paper, presented by Dr Robert Hamiltoun; which paper containes reasones against election of the Members of Assembly.

My Lord Traquair said—It is very hard that these reasons against the election of such and such Members of the Assembly should not be heard.

The Moderatour said—When the Assembly is fullie constitut, then the Member complained of shall be removed.

The Commissioner said—I still will protest in name of the Lords of Clergie and their adherents, that they receive no prejudice by your not reading of their paper before the Assembly proceed to the examination of Commissions.

My Lord Traquair said—The protestation is upon your refusall to read it.

My Lord Lowdown answered—Their refusall is no longer then till the Assembly be constitut; their reading of it is only deleyed till then.

The Commissioner said—But for my securitie I will take instruments of all in my Lord Registers hand, till that promise be performed; for, albeit I be his Majesties Commissioner, yet am I a poor subject, and must answer for my service.

The Moderatour said—I will judge reverentlie of your Graces proceedings; yet I may say there is a too too burning haste in these men for whom your Grace pleads, that they will have their bill read before the Assembly be constitut.

The Com<sup>r</sup> answered—They have reason to look to themselves, seeing it stands them now on their reputation, dearer to them nor their life; and, therefore, thinks it only now fitt tyme to use their best defenees: for what weight will their reasons have when their parties are constitut their judges? If myselfe were to be constitut judge, I would not refuse to heare reasons why I sh<sup>d</sup> not be such a mans judge; therefore, I requeist the Moderatour to state the question, and ask the Assembly what they think of it?

Then the Moderatour said—There is a motion made anent the reading of a paper, given in be the pretendit Archbishops and Bishops, and their adherents, for clearing of y<sup>r</sup> mynds who are present, concerning the election of the members of this Assembly, and ye did formerlie refuse it till the Assembly was constitut. Now, it is urged againe; and, therefore, I ask, whether it be convenient to read it now, or to delay it to the Assembly be constitut, and the commissions tryed?

My Lord Traquair said—If my Lords of Clergies information be not read before the voit and judgement of the Assembly be given, and before a judicatorie be constitut, it shall be to no purpose thereafter; therefore, it is only craved that then information may be heard, and no answer shall be craved till the Assembly be fullie constitut.

The Moderatour said—An absolute judgement of the Assembly shall not be given without reservation.

My Lord Traquair said—Instruments should be taken before they give out their judgements, that it prejudge not my Lords of Clergie.



My Lord Lowdown answered—Ye cannot crave the judges Sentence in this matter before the judge be constitut.

The Com<sup>r</sup> said—We only crave to informe these who should be judges, and that reasons should be heard wherefore they cannot be judges.

My Lord Lowdown replied—It is no wayes competent to this Assemblie to heare that information as a judge, before y<sup>r</sup> be a judge, seeing that information shall be also valide after the Assembly is constitut as now.

My Lord Traquair said—What if it can be shoven by good reason, that such ane election of the members of this Assembly as ye are about, cannot be ; and if this be, how shall it be tymeous to show it after the election is made ?

My Lord Lowdown answered—The judicatorie being constitut, it shall then be judged.

The Moderatour said—Whether should our owne or externall instruments be first heard ?

My Lord Traquair answered—When a judicatorie is to be sett, whether is it more proper to except against those who are to be judges, before or after the judicatorie is established ?

The Moderatour answered—They shall be heard ; but ourselves must be first heard.

My Lord Argyle said—I compare these here conveined to be ane assise nominat, but not yet sworne why may not then we, ane pairtie accused, informe the assise before it be sworne ?

The Moderatour answered—We doe verilie perceive great suffieencie in the Commissioners Graee, who only should speake here unto us ; and if your Lo. have any information to give in, doe it in a convenient tyme ; and it is not fitt your Lo. should speake here as a Commissioner ; and it will be hard to us to make answer to every difficultie that such a number of wittie noblemen can propone.

My Lord Lowdown said—My Lord Argyles instance is verie fitt, if these men who desires their information to be read would come in here as men pannelled before ane assise.

My Lord Argyle answered—There is a sort of acknowledgement be them of a judicatorie here, when they desire such a information to be read before it.

The Moderatour said—They shall be judged in nothing here till they have gotten libertie to speak, and except against any Commissioner here present.

The Com<sup>r</sup> said—If this be ane free Generall Assembly, why may not any propone their doubts ? How can this be refused to my Lord Argyle and others, they being Peires of the land, which cannot be denyed to Seottismen ?

After sundrie speeches uttered be my Lord Argyle, Traquair, and answers given thereto be the Shirreff of Teviotdail and my Lord Lowdown, anent the comparisone taken from assise, it was coneluded that the paper given be Doctor Robert Hamilton, in name of the Lords of Clergie and their adherents, should not be read till the Assembly was fully constitut.

Sess. 4.

November 24, 1638.

The fourth day, be reason of the Commissioners delay in not coming at his appoynted houre, the Moderatour desired that matters to be handled might goe one in his Grace his absence, and a promise that a full narration of thinges handled should be made knowne unto his Grace at his first incomeing, which the Com<sup>r</sup> refused, seeing he was bound to give particular accompt to the Kings

Majestie of everie thing done, therefore behoved to be ane witnesse of everie thing that should be done.

The Moderatour said—We left at the examination of Commissions, which serves for the constitution of the Assembly ; and we crave that we may now proceed in the examination of Commissions ; and the Commission given in for the Presbitrie of Dunee, was first read ; next, the Commission for the Presbitrie of Chirnside.

The Moderatour said—We need not to crave the voits of the Assembly anent every Commission ; but, if none speake against a Commission, after it is read, we will hold silence for a consent and approbation of the commission.

The Commissioner answered—If ye appoynt that silence shall be taken *pro confesso* that the Commission is valide, I protest that my silence be not so exponed, but that I may have libertie to object against any Commission or Commissioner, in my owne tyme, becaus for the present, I am not instructed with objections which I have and will make hereafter ; and to this protestation, the Moderatour, in name of the Assembly, assented ; and so the Clerk went on to the reading of the rest of the Commissions, and red the third from the Presbitrie of Kelso ; the 4 from Jedburgh ; the 5 from toune of it ; the 6 from Ersiltoun ; the 7 from Lawder ; the 8 from Selkirk ; the 9 from the toune of it ; the 10 from Dumbar ; the ij from the toune of it ; the 12 from Northberwiek toune ; the 13 from Hadingtoun ; the 14 from Dalkeith ; the 15 from the Presbitrie of Hadingtoun ; the 16 from Edinburgh ; the 17 from the Colledge of it ; the 18 from Linlithgow ; the 19 from the toune of it ; the 22 from the Presbitrie of Peibles, and a Protestation given in against it be Mr Robert Elliot, as a Commission purchased be indirect meanes used be the Lord Traquair.

My Lord Traquair, hearing his name called in question, thought himself much wronged, being calumnat be such a man, whom he would prove to be both a bryber and ambitious ; and that he should be by him brought upon the stage before so reverent and grave ane auditour ; and complained to the Commissioner of the Ingiver of the Protestation as ane infamous lybeller against ane officer of Estate, and Counsellour of his Majestie ; and the Com<sup>r</sup> promised that the ingiver should be censured according to justice, in tyme and place convenient : therefore, both the Commission and the protestation was layd by till the fitt tyme of tryell.

The 23 commission was then read from the toune of Peibles ; the 24 from Middlebie ; the 25 from Loehmaben ; the 26 from the toune of it ; the 27 from Mentoun ; the 28 from Penpont ; the 29 from Drumfreis ; the 30 from the toune of it ; the 31 from Kireudbright ; the 32 from the toune of it ; the 33 from New Gallaway toune ; the 34 from the Sanquar toune ; the 35 from Wigtoun toune ; the 36 from Wigtoun Presb. ; the 37 from Stranrawer ; the 38 from the toune of it ; the 39 from Air ; the 40 from the toune of it ; the 41 from Irving ; the 42 from the toune of it ; the 43 from Rosay ; the 44 from Argyle ; the 45 from Dumbartoun ; the 46 from the toune of it ; the 47 from Paisley ; the 48 from Renfrew toune ; the 49 from Glasgow ; the 50 from the toune of it ; the 51 from the colledge of it.

It was asked, why the Colledge of Glasgow put in 4 in their Commission, when uther Colledges hes but ane, and it was layd by to be examined.

The 52 [Com.] from Rutherglen toune ; the 53 from Hamilton ; the 54 from Lanerk ; the 55 from the toune of it ; the 56 from St Andrewes ; the 57 from the toune of it ; the 58 from the Colledge of



it; the 59 from the toune of Creall; the 60 from Kilreny toune; the 61 from Anstruther Easter; the 62 from Anstruther Wester; the 63 from Pit-tinweeme; the 64 from Coupar; the 65 from the toune of it; the 66 from Kirkcaldie; the 67 from the toune of it; the 68 from Dysert; the 69 from Kinghorne; the 70 from Bruntlyland; the 71 from Dumfermling; the 72 from the toune of it; the 73 from Culros; the 74 from Innerkeithling; the 75 from Dumblane; the 76 from Auchterardour; the 77 from Perth toune; the 78 from Dunkell; the 79 from Megle; 80 from Dundie; 81 from the toune of it; 82 from Forfar toune; 83 from Brechen, on the back of which Commission there was y<sup>r</sup> a declaration written in favours of the Laird of Din, Commissioner, subscriyved be ane number of barons, and some noblemen to it, beside these insert in the Commission it selfe, who gave consent to the Commission. This writ, on the backsyde of the Commission, was for clearing the sufficiencie of it, in respect that ane vther Commission was granted be the same Presbitrie of Brechen, appoynting my Lord Carnagie, ruleing elder, for ane Commissioner; ane copie of which Commission, with ane declaration upon the back thereof was craved be the Commissioner, vnder the Clerks hand, that he might thereby be the better instructed for objecting against any vther Commissions, and might have his mynd cleared in sundrie particulars which might conduce for the furtherance of his Majesties service.

The Moderatour answered, That his Grace should have ane copie of the Commission itselfe, but not of that which is written on the back of it, seeing it is not given as a parte of the Commission, but only a privat thing written by the ingiver, for clearing of his Commission.

The Commissioner said, Seeing that which is written on the backsyde of it may serve to further my masters service, why should a copie of it be denyed to me, seeing my desyre is reasonable? I cannot compell to give it, but, if it be denyed, what can I say but I am vsed in that as in the vther things?

My Lord Rothes said—The pairtie ingiver hes yet in his power to retreat and draw back both the Commission and all that is written upon it; and therefore the Clerk can give no copie nor extract of it till the Commission be authorized and made lawful in judgement; for, till that, as it is only a privat paper which the ingiver may doe now if he have not a mynd to stand to it.

No, said my Lord Traquair, he may not draw it back, if it may contributte to the furtherance of the Kings service.

My Lord Lowdown said he may not only draw it back, but ryve it.

No, said my Lord Traquair, seeing it is now produced in judgment; and the

Commissioner eikit—Not only is it produced in judgement, but hes at it the subscriptiones of a number of Noblemen barrons, who we hope will stand to it.

My Lord Montrois said—We will not passe from a jote of that which may serve for the clearing of the Commission.

Therefore, said the Commissioner, that which is written on the backsyde of the Commission, serves to prove the legalitie of the election of the Commissioner, and is used as ane argument to prove the illegalitie of ane uther Commission from the same Presbitrie. Why then should I not have a copie of that which is written on the backsyde of the Commission, seeing I find it serve much for the furtherance of my Masters service?

My Lord Yester answered—It is not propper for the Clerk to give ane copie or extract of that which is not insert in the records of Assembly; and only the Commission will be registrat in the bookes of Assembly, when it is approven, but not that which is on the back of it.

The Moderatour eikit—Only that which is given to the Assembly for a Commission, may be craved of the Assembly; but that which is on the back of it is not given for a Commission, or any parte thereof, but only written on the back of the Commission given in accidentallie, and may be obliterated.

The Commissioner asked, how that could be called accidentall which had at it the subseription of 40 hand writtes, and produced in judgement to be read?

The Moderatour said—That on the back of the Commission is only accidentall, and I shall eleir it by ane supposition. There is ane evident given in before the Lords of Session, and on the back thereof there is ane compt written on some privat bussinesse of the owner of it. Shall the Lords of Session, or the Clerk, be obliged to give out ane extract of the mans compt? No more can the Assembly or Clerk give out ane extract of that which no wayes belongs to them.

My Lord Forbes said—The ingiver hes power to eike, paire, or draw back at his pleasure, and such Commissions that are contraverted are referred to ane vther day.

Mr David Dick said, Let the Ingiver of the Commission be asked, whether that on the back of it serves for approvation of his Commission or not? for, if it be only a probation of it, then that which is on the back should not be read till the time of probation, and for the tyme, only a copie of the Commission may be craved.

The Com<sup>r</sup> asked the voits of the Assembly whether or not a copie of all should be granted.

My Lord Lowdown answered, that there could be no voiting till the Assembly be established; but so soone as it shall be established, it shall be granted.

Then, said the Com<sup>r</sup>, I take Instruments that such a Commission was given in to be read, on the back whereof there is a written declaration of the lawfulness of the election of the Commissioners of Brechin, and desires it may be kept in the Clerks hands.

The Moderatour regrated much that the weightie and grave matters of the Assembly should be thus deleyed, and said that it had been better to have wanted all the Commissioners from Brechin; quhereat

Southeske cappit and unreverentlie replied to the Moderatour, that he wronged them that wronged not him, and whom he had no reason to wrong.

The Moderatour answered—That what he did speake was within the bounds of reason, and he would be answerable for it to the Assembly; neither would [he] have expected from his Lordship such an undeserved censure.

Lowdown answered—That it was ane great wrong that the Moderatour should be upbraided by any for preferring the publick weill, and the effaires of the Assembly to any mans particuliar.

Mr David Dick said, That God will trouble the impeaders of his owne work.

This was like to have drawn to a great heat if the Commissioner had not prevented it by commanding them to silence.

The 84 Commission from Ruthentoun was read; 85 from Arbroath; 86 from Montrois; 87 from Arbroth toune; 88 from Mernes; 89 from Aber-



deine ; 90 from the Colledge of it ; 91 from the toune of it ; 92 from Die ; 93 ; 94 from Ellon ; 95 from Turreff ; 96 from Kincardine.

Sess. 5.

[November 25.]

After in calling vpon the name of God,

The Clerk went forward in reading the rest of the Commissions ; and the 97 Commission, Garrioch, was first read, and billes of Complaint given in against the Commissioner, containing reasons why he should not be receaved as Commissioner, and was referred to tryell. The 98 from Fordice ; 99 from Bamff toune ; 100 from Elgin toune ; 101 from Strabogie ; 102 from Forres ; 103 from Forres toune ; 104 from Innernes ; 105 from Innernes toune ; 106 from Chanrie of Ross, and a protestation against it by Sir John McKenzie ; 107 from Tayne ; 108 from the Toune of it ; 109 from Dingwall ; 110 from Sutherland ; 111 from Cathnes ; 112 from Orkney, from Patrick Smyth of Braco,\* and it was castin, being found nather from a Presbitrie, burgh, nor subscribing Miunster.

The Moderatour said—Now the whole Commissions are read ; and of all there are onlie 13 contravertit ; and we have now reason to praise God, that, be the silence of all that are present, the rest of the Commissions are approven, and that, in Gods siuglar favour, we have place and power to voit and treat of all matters that shall come before us. As for these contraverted Commissions, it is now tyme we should examine them.

The Commissioner said—If ye proceed to examination, I shall adhere to my former protestation of libertie to object against any Commission in my owne tyme.

My Lord Rothes answered—It is now fittest tyme.

The Commissioner answered—I find not yet my fitt tyme to make any objections, but seeing tyme reserved to me I will choose it.

Then the Moderatour said—Let the Commissions which are in question be discussed, and begiu at the Presbitrie of Peibles, given, October first, to Mr James Benuet, and Laird of Posso, subscriyved be the Clerk.

The Commission was read, and a protestation against it, alleadging that that election was not free, for many reasons.

My Lord Traquair craved libertie to speake in defence of that Commission ; and

The Moderatour required that he should speake of the Minister who gave in the protestation, with a respect due to a Minister of Jesus Christ, till he was declared infamous.

My Lord Traquair answered—That he had no purpose to reckon for the tyme, but would referre the challenge against him to the Presbitrie ; only craved libertie to regrat that so unjustlie he was brought upon the stage, seeing he did attest all the witnesses that were present at the out giving of that Commission, that he did carry himself humblie and modestlie, as became a good Christian, intending nothing but a free and peaceable election ; and that he did not utter any crosse word, or a word smelling of passion or discontent ; and he attested God that the matter was as he said. Then he declared that there was a formall process [extract] of that election in the hands of the Clerk of the Presbitrie, which, being produced, would make it

cleare how unjustlie he was accused ; which process he promised to produce the next day.

The Moderatour answered—If the process come from ane honest hand, and be clearlie and formallic deduced, it shall have faith ; and, if the pairtie protester against the Commission can prove the contrare be sufficient wnesse, he also must be heard.

My Lord Traquair answered—It is hard to heare witnesses agt a eldar, and formal process given in by a famous Clerk in writt.

The Moderatour asked at Mr Robert Elliot, (who gave in the protestation,) what he could say ? He answered, That it was a vyld imputation layd to his charge, that he should be aue vnjust accuser of such a uobleman ; but, sayth he, if I have done no evil, why am I called a basse, ambitious, brybbish boddie, in the hearing of this reverend assembly ? But I passe it, seeing my Lord was called a Carpenter, a wine bibber, and ane enemie to Cæsar, and that he had a divel ; yet I have said nothing as a libeller against my Lord Traquair, for I was readie to spend my life in his service ; and I judged that he should have lyked the better of me, that I should have protested against any thing which seemed to prejudge this Assembly.

The Moderatour asked if the protestation made against that election was made in a Clerks hearing before witnesses, and if it was written and marked ?

Mr Robert Elliot answered—That he protested openlie, and desired to be so heard, but it was refused.

My Lord Traquair answered—The process in the Clerks hand will clear all which is ordained to be produced ; and if, after tryell, I be proven not to have been ane intruder of my selfe, or ane indirect dealler, seeing I walked so circumspectlie, I crave the wrong done to me may be redressed ; for, before God, there is not a circumstance of that which is alleadged true.

The Commissioner answered—If he should continue in his office, he should have the wrong redressed : if not that, he should deale with auy to occupy his place.

To that end, my Lord Rothes said—If there be wrong on his parte, the censure of it is competent to this Assembly.

The Commissioner said—I intend not to derogat any thing from the authoritie of this Assembly, but rather would contribut unto it, and preserve it in its owne integritie. But I would not that the Royall authoritie should so suffer that ane officer of Estate, being accused unjustlie, and so wronged, should not be repaired according to Justice.

My Lord Rothes said, that the tryell of this alleadged wrong is only competent to this Assembly.

The Commissioner answered—I doubt not but the Assembly will doe to my Lord Traquair what is right ; but I speake of the King's right, and I know the Assembly may only judge in ecclesiasticall matters.

My Lord Traquair said—I declyne not the Assembly as judges in this matter ; for I am content to subscriyve ane blank paper, to be filled up by the Assembly ; yea, I darre remitt the tryell of it to any Member of the Assembly.

The next Commission that was examined was from the Colledge of Glasgow as singular, containing four Commissioners, when other Colledges hath but ane, according to the act of Assembly.

The Principall, Doctor John Strong, craved the production of the Act ; and after that the Act was considered, it was found that Colledges could have no priviledges above a Kirk, and therefore, ane act

\* This gentleman was son-in-law of the Bishop of Orkney.—Ed.



was sett downe, that ane colledge should have but ane voit in ane Assembly.

The 3d Commission from the Colledge of Glasgow was layd by till the Commissioner should find a fitt tyme to object against it.

The 4 from the Presbitrie of Ross. It was objected against it that it was onlie ane parte of the Presbitrie of Irwing, and it was acknowledged to be so of old, but was now disunited by the Bishop of Iles, as was alledged; but becaus it was not clearely instructed, neither yet had beene in use to send Commissioners to former Assemblies as a presbitrie constitut, It is ordained that the Commissioners now sent shall have no voit in this Assembly; and becaus of ane large distance of place, and sea betwixt it and Irwing, it was thought fitt that hereafter it shall contribut a presbitrie of itselfe.

The 5 Contraverted Commission from the Presbitrie of Brechin, which after reasoning much too and fro, the tryell of it was referred to a particular committee—

Masters Andrew Ramsay,	Robert Douglas,
David Dalgleish,	John Robertsons,
James Bonar,	Alex <sup>r</sup> Somervell,

with power to them to take the oathes and deposition of the thrie Ministers Commissioners for clearing the matter, and reporte the diligence to the Assembly.

The 6 Commission, from Kincarden presbitrie, was examined; and being found that the Commissioners were not elected in the ordinar Meeting place, nor in the ordinar tyme, but only by the Bishop in ane uther place, and ane uther tyme, and without the consent of elders, and without the knowledge of particular Kirks, therefore it was rejected.

The 7 Commission, from the Presbitrie of Aberdeen, after tryell, was approven, and Mr James Harvie and Doctor Barrous was rejected, as done nather in place nor face of a Presbitrie, without any advertisement to the congregations, and being only subscribed at that tyme by themselves, who wer Commissioners, and by thrie uther Miusters thereafter, in their owne houses.

8. Anent the Commissioner of Garrioch, Mr Andrew Logie, sundrie complaints being given in against him, wer remitted to a Committee—viz., Mr Andrew Cant, Mr James Martine, Mr Thomas Mitchell, and Dr Guild.

9. The two Commissions given in from the Chanrie of Ross. The Laird of Tarbet produced ane Instrument against Mr Thomas M<sup>c</sup>Kenyics Commission, and assured the nther lawfull Commissions were comeing. The said Mr Thomas being rejected, produced a protestation against the Constitution of this Assembly of Ministers and elders.

My Lord Rothes asked instruments, and protested that such a Complaint and protestation was given in by the said Mr Thomas. The Commissioner also tooke instruments of the production of it.

Mr Andrew Ramsay offered presently to prove from Scripture, antiquitie, consent of uther reformed Kirkes, standing practices of our aune Kirke, and bookes of Assemblies, that ruling Elders are lawful and necessar Members of ane Assembly.

The Commissioner, acknowledging his owne weakness for disputing of that question, promised, in a convenient tyme, to bring forth some who would dispute against ruleing Members, as no lawfull Members of ane Assembly.

The last question, about the Commission from Orkney was declared null, having no consent of Presbitrie, nor subscription of ane Minister, toun, nor colledge.

The Moderatour answered—Now the whole Commissions are examined, and found good, except some few. It is now expedient that the sufficiencie of the Kirke Registers be cleared, that they may be declaired authentick.

The Commissioner answered—It is a good work; but I have some scruples not yet removed.

Then, said the Moderatour, Let some be appoynted for tryell of the Registers; for the Assembly being now fullie constitut, after the examination of all contraverted Commissions, may give their Commission for tryell of the Registers, and let their testimonie anent the perfection of the bookes be given in the morne.

Masters	Masters
Andrew Ramsay,	John Adamsons,
John Row,	James Bonar,
Robert Murray,	
Alex <sup>r</sup> Gibsons, yo <sup>r</sup> of Durie,	
Alex <sup>r</sup> Wedderburne, Clerk of Dundie,	
Alex <sup>r</sup> Pearsons, Advocat; with such uthers	

as they please to joyne with themselves.

Sess. 6.

[November 26.]

After in calling upon the name of God,

The Moderatour said—Let us begin where we left, at the tryell of the record of Assemblies. There was a Committie appoynted yesternight to give in their testimonie anent the authentickness of the Registers. If it please your Grace, let their answer be heard.

The Commissioner having assented,

The Moderatour called upon these who wer appoynted for the examination of the Registers, to report their testimonie.

Durie said—Please your Grace and this reverend Assembly, We shall either give in our reasons be word or writt.

The Commissioner said—I desire to heare them give them in any way ye please.

Then the reasons of the authentickness of the Registers were given in be writt, and read by the Clerk.

The Moderatour said—Please your Grace, here is the testimonie of these that have skill in trying the Registers better nor any here present can relate. Hes your Grace gottine satisfaction?

The Commissioner answered—Verillie it is a matter of verie great importance, and there shall be no man more glad nor I, to see the Registers of the Kirke found reall, and proven to be authentick. I am far from contradicting anythling these worthie gentlemen hath done; for it were impertinent so to doe. I can say nothing at the first hearing of a paper read; but it may be, that many scruples come in my mynd concerning them; yea, I have already, whereof I am not resolved. This is the first tyme that ever I heard it read, and, therefore, I cannot give my judgment of it. I must confess my ignorance in thir things; and, therefore, I must be verie loath to give my assent or approbation to anything wherein I am not both clear and persuaded.

The Moderatour said—Hes your Grace any scruples to propone for the present?

The Commissioner said—I must think upon all before I propone them.

The Moderatour said—I would desire this reverend Assembly, that if there be any here, noblemen, gentlemen, ministers, that if they have any thing to say ag<sup>st</sup> this information concerning the authoritie of the Registers, that they would propone them, either now by word, or in a short tyme by writt,



that this Assembly may make a declaration that they are authentick; and, if no objection be made against them, we will take your silence for an approbation of their authoritie. If ye have any thing to say, bring it forth presentlie; if not, produce it in writt against the morne.

The Commissioner said—I am verie confident that there is not the Regents hand writt.

Durie answered—If it was not his hand writt it w<sup>d</sup> have *sic subscribitur*, as all uther copies uses to have. I will not affirme that everie reason given for proving the authoritie of the bookes is unquestionallie good; but *que non prosunt singula, multa juvant*. I daresay this farre: all the Registers of Sessioun, Counsell, and pryme judicatories of this kingdome, are also farr short of the Registers of the Kirke, as these Registers are short of these things treated here.

The Commissioner said—Truely, sir, I cannot but acknowledge these reasons hath cleared verie much, and verillie they have removed many scruples that myself had before the hearing of them; so that I will not contradict them: but I still doubt if that subscription be the Regents hand.

Moderatour said—If there be any brother that has any copie of James Richie, or John Gray, clerk to the Assembly, their hand writt, let them produce, to give farder information to confirme this information; for, possible, some minister or uther that hes some record that may give testimony and approbation to this hand writt.

Then Mr John Row produced ane copie of severall acts of the booke of Policie, written be the said Mr James Richie, and subscriyved with his hand; ane uther brother of the Presbitrie, which he had kepted himself now 52 yeares; and the hand writt of the Assembly Booke and the Copies being compared, and seene be the Commissioner himself, they were acknowledged to be ane hand writt.

The Moderatour said—If any man have any thing to oppose against these bookes, let him now bring it forth, that ane Act may be made; for, if no man produce anything, they will be acknowledged be the Assembly to be authentick hereafter.

Then the Moderatour, professing his owne insufficiencie for so weightie a charge as was now layd upon him, craved that some assessours might be nominat to joyne with him in a privat conference for ordering of matters to be proponed in Assembly.

The Commissioner answered, that he would not oppose any laudable custome of former Assemblies; but let the Clerk and Lord Register mark that my assent be no wayes prejudiciall to my masters right.

Mr David Dalgleish said—I have seen Assemblies of old, and such pryme conferences, according to my poore observation, hath wrought great prejudice to the Kirk; therefore, I would wishe that all were done by a voluntar consent, and by the concurrence of the whole Assembly.

Moderatour answered—Please you, the advice of the Privat Conference has done harme to the Assembly, but not the use and institution; for, of its inowne nature, [it] is very helpfull. They aught, deed, to keepe themselves within their owne bounds, and doe nothing that may be prejudiciall to the Assembly; but doe yee think it is possible for a man to propone matters for so great a meeting without assessours?

The Assembly declaired, there needed no Act be made for assessours, but that the Moderatour may choose at his owne discretion, some few to assist him in the ordering and proposition of matters; whereupon the Moderatour nominat—

Mr Hary Pollock, Minister at Edinburgh.  
Mr John Adamson, Principall of the Colledge thereof.

Mr David Dick, Minister at Irwing.  
Mr David Dalgleische, Minister at Coupar.  
The Earles of Rothies and Montrois.  
The Lords Lindsay, Lowdown, and Balmerino.  
Sir William Douglas of Cavers.  
The Laird of Keir.  
The Laird of Haughton.  
James Cochrane, burges of Edinburgh.  
James Fletcher, Provost of Dundie.  
Mr Robert Barclay, Provost of Irwing.

My Lord Lowdown said—Please your Grace, these assessours are only to advise what is to be done first, and what next, for greater expedition and acclerating of buseinesse.

The Commissioner said—I have alwayes bene carefull to eschue the speaking of any thing that might impedethis great and good worke, and so shall I still be; yet must I be carefull that my silence be not prejudiciall to my gracious Master and Sovereigne; and, I hope neither your disposition, nor any here present, intends any wrong be what they say or doe, to auctoritie. But I have bein told that the overtures and proponing of matters doe principallie belong to his Majestie, what he thinks fitt to be agitat in the first place, in the midle, and in the last place; therefore I cannot passe by my just protestation, that this prove no wayes prejudiciall to my Masters service, and I receive no imputation by saying nothing. Whereupon his Grace tooke protestation.

The Moderatour said—Your Grace needed not to have protested, seeing the Assembly was content that everie thing done in the Assembly should be done with his Graces consent.

My Lord Rothies protested that the ordering and proponing of matters pertained only to the Moderatour.

The Commissionersaid—Indeed I am weill pleased to heare that from yow; but I must be carefull of my Masters right; and I hope it shall be seene to future ages that I have bein ane honest and trustie servant to my good and gracious Master.

The Moderatour desired his Grace to condescend upon an houre for the Meeting of the Assessours formerlie nominat, and said it was the custome to meit in the Morning before Sermon.

The Commissioner said—I am told that the tyme and place uses to be appoynted be his Majestie or his Commissioner, who was alwayes present at these privie conferences; and therefore I protest that I be present at them all.

The Moderatour said—We shall be verie glad of your Graces presence and assistance; for we hope your Grace will be a helpe and not a hinderance unto us. Therefore lett us know the tyme and place which seemes to be most convenient, that the tyme be conforme to the dyet of this Assembly.

The Commissioner said—When my leasure can serve, I shall be readie to give attendance.

The Moderatour asked the opinion of some of the brethren. Mr Robert Douglas, Mr James Bonar, Mr Andrew Cant, Mr John Bell, said, that the tyme might be appoynted by the Moderatour; but it must be advertit that nothing be determined in these privie conferences, nor any thing prejudiceall to this free Assembly; but only that matters be ordered and digested be them, that soe things might be rightlie proponed in the Assembly.

The Moderatour said—I was present at these Conferences, at ane Assembly in Aberdein in 1616,



and they tooke very much upon them, for all matters were concluded and determined; that the privie Conferences satt 3 or 4 houres, and the Assembly satt but ane houre, and intimation was only made in the Assembly of their Conelusions, and the Assembly was asked if they had any thing to say against it; but I hope they shall hold themselves within their bounds.

The Moderatour said—There uses some to be naimed for receaving of papers and billes that are to be given in, becaus it will not be convenient that the whole Assembly be troubled with everie particular complaint; therefore let some be nominat for vieuing of the Billes, that hes best skill in matters of this kynd, that they may report to the Assembly, what is pertinent to be handlit here, and what not.

The Commissioner said—There is nothing that hes bein the order and custome of Assemblies but I shall heartillic consent unto it.

The Assembly appoynted for receiving of Billes, &c.

The Moderatour desyred that the rest of the Commissions that were not cleared and approven, might now be examined; and first he desyred to hear the report of these that were on the Commission for Breehin. They answered that they were not sufficientlie instructed.

The next was Commission from Peibles.

My Lord Traquair said—For clearing of the suffieencie of this Commission, ye maysee the whole proecess under Mr Patriek Purdies hand, Clerk to the Presbitrie, who is here present.

Mr John Bennet said—We, the Commissioners of Peibles, have hitherto been silent; now we desyre to be heard, and that this reverend Assembly would take this matter to their Consultation; for here is ane whole Elderschip accused by ane man, whereas the Scripture sayes—"Accuse not ane elder but under the testimonie of two or three witnesses;" and this Man, ane of our bowells, of whom we expected better things, hes now brought us on the stage, and spitted on our face, and brought us in suspition, by surmizing speaches, and open challeges; and this he hath done under pretence of zeale for the freedome of this Assembly, quhilk God forbid we should prejudge. We are heir, Men, haters of vyce and lovers of veritie, willing to give all our coneurance to everie good worke.

The Moderatour said—It is not an accensation, but ane Protestation; and it will appeare by the determination of the Assembly, whether he hath done wrong or not.

My Lord Traquair said—I know certainly they have a Commission most warrantable; but since now it is contradieted, I submit myself to the judgement of the Assembly; and I erave that the whole proces may be read to the Assembly, that it may be knowne on whose parte the fault is; and if it doe not clearlie improve what Master Elliot hes said, and make good what I have said for myselfe, or if there be a syllable or circumstance of that quhilk he alledges true, or if ever I have a thought in that kynd, I were not worthie to come amongst Christians, let be to come here; for it is impertinent, if not impudent, for a man to intrude himselfe in such an action as that which is against all conscience and dignitie. But I propose not now to use any recriminations.

Mr Robert Elliot said—My Protestation is not accusation or challenge against any mans persone, but ag<sup>t</sup> the informality of the election of the Commissioners, least this Assembly should be challenged afterward for admitting such a voice in matters as was not instructed with sufficient Commissions. Al-

way I am sorry that my Lord Thesaurer should be offendit. I thought his Lordship should not have been offendit; for, God is my wnesse, I neither intendit, neither have I given any occasion of offence.

My Lord Traquair said—I submitt to the judgement of this honourable company, if this be not rather an accusation nor a protestation, and that in a high streame, challenging me for intruding myselfe in that bussines after so unjust a way; but neither this assertion nor myne can take away ane judiciall act. I hope both our partes shall be cleared be the Proces quhich must have faith, except ye will offer to improve the writt, and prove the Clerk to be false.

The Moderatour said—It is possible he may give some information for himselfe, which will not contradict but may subsist with the proees.

Then the proces was given to the Clerk and read.

Traquair said—I doe not say but my judgement may differ from Mr Ellots or any other mans; but if thare hes been any illegall way usit by me, I am readie to answer according to law and reason; but if his judgement doeth not goe alongst with me, I hope this will be no reason to condemn myne for it; and when this honourable meeting hes considered this proces, if they be not satisfied, I will submitt myselfe to their judgement.

Moderatour said—That Mr Elliot had nothing to say against the proees; quherupon the Thesaurer took Instruments, that Mr Elliot acquiesced to the truth of the proces.

My Lord Yester requyred that these who were present might be asked concerning that quhilk Mr Robert had alleadged; for he sayes nothing contrare to the proces, but something more nor is in the proces. And he hath given in a protestation only, and not ane accusation; and when I posed him straitlie, what moved him to give in the protestation, he tooke God to wnesse that he did it out of conscience and love to the good of the Cause.

Traquair said—My Lord, let me speake as good friends and Christian subjects ane to another.

Yester answered—I desire earnestlie it may be so; but it may be I cannot speake so pleasantlie to your Lordship as I would, be reason of this throng about.

Traquair said—I take it to be a clame and accusation against the formalitie of the election; and what is in the proees, I remitt it to the judgement of the Assembly, and if any thing be called in question which the proces cannot cleare, I shall justifie ane uther way.

Sess. 7. 29 Nov<sup>r</sup> 1638.

After in calling upon the name of God,

The Moderatour said—We left at the testimonie which was given by skilled men who wer appoynted for trying of the Kirk Registers, and their testimonie was read in your hearing; and we requested all to bring in this day, their objections and scruples concerning these registers: now we crave that ane who pleases would object; for if no man object, an act or record will be insert in the bookes of the Assembly, declairing that these bookes are authentic.

The Commissioner said—No man here shall have greater joy nor I, to heare the registers of the Kirk perfyte, and no man shall contrbut more to it then I, being a matter of so great importance or weight; for upon the acts set doune in these bookes very much depends. But becaus ye have heard [objections] be the Lords of Clergie made, and their adherents, against the legallitie of the proceedings



of this Assembly, I am tyed yet to say somewhat ; and I am sorrie that I must protest against that in word which my heart desires not. Sore grieved I have reason to be to protest against so good a work as is the restoreing to the Kirk of her records ; yet considering many causes which now I will not expresse, I am forced to protest against it : ffor albeit these bookes may be found authentick be the consent of this Assembly, yet may I doe nothing which may import either his Majesties assent to it or myne ; and therefore heir I make protestation against.

The Moderatour said—We only crave the Assemblys approbation ; and if the pretendit Bishops or any uther will take upon them to improve these bookes, or any parte of them, they shall be heard. It is pittifull there should be such a rent in our Church, so fearful, and that any point of the cause of it shall be imputed to authoritie, if we consider what a sweete unitie was ance in this Kirk. To clear this unitie, I will read a testimonie out of the preface of the booke called “The Harmony of the Confession of the Reformed Kirkes.” After the reading of it in Latine, he expounded it, shawing the rare priviledges of the Kirk of Scotland beyond uther Kirkes ; that for the space of 54 yeares it remained in puritie of doctrine and discipline, without any errour or schisme, and gave a reason of it ; becaus the Kirk of Scotland was reformed in doctrine and discipline according to the word of God : so it is clear, the Kirk ance had unitie, and it is clear also by what meanes and Instruments schisme hes come in.

The Commissioner said—I pray God the Kirk may enjoy this puritie 40,000 yeares more, if the world should endure so long ; yet I must protest, in more pathetic words, against the authoritie of these bookes (for I did it in modestie before) ; albeit, I would give my estate and venture my life in furthering the Church to be restoired to her registers ; but becaus of the manyfold exceptions I have against the way of the meeting of this Assembly, and against sundrie persons which are Members of it, I protest heir, that neither the Kings Majestie nor the bishops be wronged be any act in these bookes, and that they are not obleist be the acts of any booke, which is not subscriyved be the Clerk of Aberdein.

My Lord Rothes said—Your Grace promised to propone some scruples against these bookes, wherin your Grace was not yet satisfied, which we desyre to heare ; for they are found, of all who have tryed them, comparatively authentick, and utherwayes also.

Moderatour said—We are sure if his Grace had perused these bookes, he would approve them also.

The Roll being called be the Clerk, the Moderatour asked if the brethren did approve the registers ? Who answered that they did ; and desyres that reasons of the approbation might also be insert in the bookes of the Assembly, and that there was not any protestation made be his Majesties Commissioner. They desyred also that the Bishop of St Andrews might be summonsed for the production of these bookes which are wanting.

The Moderatour said—Ye heard of a declinatour given in be the pretendit Bishops and Archbishops, containing many divers crymes and challenges agt the Members of this Assembly ; therefore it is desyred that some paper may be read, containing some answers to many pointes of their declinatour, and not a full answer, such as shall be given in hereafter ; only this shall serve to give some answer, &c. : which two papers being read be the Clerk,

The Commissioner said—I did not expect an answer to the Bishops declinatour aud protestations, seeing the declinatour was only presented to me, wherefore ane answer from the Assembly was needless.

The Moderatour answered—The inscription of the Declinatour sayth, “A Declinatour to be red before the Assembly,” and therefore ane answer must be given be the Assembly.

Rothes said—There is no more pertinent matter to be handlit in the Assembly then that declinatour, which in it hath so many criminations against the Members of it, and alleadges wronges in the Constitutions of it.

Mr Andraw Ramsay said—Your Grace hes als good reason to answer and object against the bishops declinatour as any in this house ; becaus in it they declyned the Kings Grace and his Commissioner, be thrie testimonies cited be them, and will not suffer him or any other King or Emperour to hold voice in Assembly, saying, “Nemo preter Episcopos debet se ecclesiasticis protractibus immiscere.”

The Commissioner said—I thinke they have no intention to declyne the Kings Majestie as judge, seeing sundrie pairtes of their paper declaires their reverend subscription to his Majestie. But I will not wrong these reverend Lords be my disputing of their cause, who am so insufficient for it ; but if I thought they intendit any prejudice against my Master and soveraigne, I would protest als soone agt them as any.

Then the Clerk was desyred to read some answers made to the Prelats and some Ministers objections in their declinatour and protestations against ruling elders had any voice in the sentence of excommunication.

The Moderatour answered this—The Presbitrie hes it, and they as members of the Presbitrie. Further, he said, these papers being unperfyte, and not having fully exped all that is to be answered to be the bishops declinatour and protestation agt Elders, there is the more to be expected ; and in the meanetyme we are obleist to God that the lyke declinatour and objections wer given in be the remonstrances against the Synod of Dort ; so that we neid no uther answer to the bishops objections then these the Synod of Dort made to these remonstrances.

Then the Moderatour red the answer out of the booke of the Synod of Dort, and said, this is *Judicium Theologorum magne Britanniae*.

The Commissioner answered—Heir is a man by me, who desires to make answer of that which ye have red from the Synod of Dort.

Balcanquell asked libertie to speake, seeing he was not a Member of the Assembly ; pleading so farre, of the caice of the remonstrances and our bishops was different in two maine respects—therefore the same answer could not serve the bishops declinatour, which was most valide agt the remonstrances :—first, becaus the matter of the remonstrances accusations was anent points fundamentall, such as election upon foirseene faith,—universalitie of Christs death, and co-operation of Gods Grace with our will—resistabilitie of Grace,—the finall apostacie of the saintes : in which pointes, and uthers of that nature, are all bound, under the paine of damnation, to betake them to the one syde ; and therefore the remonstrances could not justlie declyne the Church of the Low Countries in questions of that nature, though they had before that Synod, cleared themselves to the contrarie ; for if any such execeptions are of force to declyne a Nationall Assembly, of necessitie they



behoved to be referred to the judgement of strangers ; but the questiones in the Church of Scotland were not anent fundamentall poynts of religion, which, by our Confession, are declaired to be eternal and unchangeable, but anent matters of policie and order, which the twenty first article of our Confession shawes to be alterable. Secondly, he excepted that the Kirke of the Low Countries had not before that Synod, bund themselves by oath and subscription, against the doctrine of the remonstrances, as we in the Kirke of Scotland had done against the bishops, and the causes depending betwixt us and them.

The Moderatour said that it was a questione of great difficultie, to deerne what pointes are fundamentall and what not ; and, if this whole Assembly were sett to it, it would take them to the morrow at this tyme. Secondly, That Synod of Dort did not pronounce these pointes contraverted betwixt them and the remonstrances to be hereticall, but only to be erroneous. Thirdly, Doctor Feild, and others, distinguishes errors in two fundamentall poynts about the foundations of these that are more remote, and *preter fundamenta*. In the first sort, meir ignorance was damnable, but, in the third, obstinacie, as Doctor Feild instances Pauls eloake, what became of it, or whether Onesimus was Pauls Servand now. Now the Moderatour assumed that Dr Balcanquell would not affirme that sinne ignorance of these pointes of Arminianisme was of the selfe damnable. Fourthlie, Our Church holds, that all the maine poyntes of her discipline ordour, were warrantable by the word of God ; and that, be God's grace, we are able to prove it to be so ; for the second article of our Confession, declaireing Ceremonies to be alterable, it is to be expounded only of the circumstances of the tyme and place.

Mr David Dalgleish addit two answers farder :—1, Antient Counsell had proceedit, and finds themselves competent judges, even when matters of inferior degree are questioned, as in the questions of Novatus and Danatus. 2, That the Bishops wer indytit for poyntes of heresie, such as the Doctor acknowledged to be fundamentall poynts—to witt, poynts of Poperie and Arminianisme.

Then the Moderatour said—Seeing, in Gods providence, this Contestation is tymeously fallen in, it is fitt that this Assembly should voice, whether they find themselves competent judges to the pretendit Bishops, notwithstanding of the Declinatour and Protestation ?

The Commissioner said—I find in myselfe a great contrarietie—causes of joy, but greater causes of grieffe ; causes of joy, that I am able, before God and all that heares me, to make good all the whole offeris his Majestie hes made to this Kingdome, be severall proclamations and declarations, and more also. But I have sorrow that I cannot goe on so as to bring matters in hand to such ane peaceable end as I would ; therefore, before ye proceed further, I will renew all my protestations, made in name of my Master, and Lords of Clergie, here. I will present unto yow his Majesties gracious pleasure, signed with my owne hand by his warrant.

Then the Clerk tooke and red it, and it contains a discharging of the Service Booke, Booke of Canons, High Commission ; ordaines the 5 articles of Perth to be no more urged, and gives libertie to the present Assembly to represent their judgment of these articles to the next ensuing Parliament ; and that no oath be taken of ministers but that which is insert in the Act of Parliament. It promises Generall Assemblies to be indicted als oft as shall be found expedient. It shoves that his Majestie is

content that the bishops be censured be the Generall Assembly, and that he intends no change of Religion. It hath a command to subserve the Covenant and band made 1580 and repeated 1589. After the reading of it,

The Commissioner said—Now, I hope all these to all aspersions, anent change of religion, are declared to be unjust ; so, if any change of religion had bein intendit, this Assembly had never been granted, nor yet these offers made unto yow. I am entrusted with a full commission for the preservation of religion, punishing of vyce, and to consider of all the just exceptions against the Bishops and Episcopacie, and have power to rectifie all the abuses of that office, so farr as that sort of government may still remaine in the Kirk, as government not contrare to the word of God ; and anent the practice of this and uther churches, I have power to limite it so, that it shall not be able to wrong the church ; and, if they wrong it, they shall be punished : yet, my commission is more ample than I will expresse. But, seeing I have not found that respect dew to ane Commissioner, and know what prejudicat opinion these here hes of me present ; and, when I consider what directions were sent from the Tables of Conveiners of Meetings at Edinburgh to presbitries, be noblemen, gentlemen, ministers, and others, it gives me just occasion to declair, that I can give no consent to any thing that is heir done ; and to cleare what I have said, I present heir two uther papers, ane sent from the Table at Edinburgh to presbitries, the uther from persons to their friends, and I desyre they may be red. I cannot designe the men who sent these papers ; but sure I am these papers are sent, dispersed through the kingdome, and that mens proceedings are according to the directions of these papers ; for there is not a Commissioner chosen but Covenanters, or, if any uther be, there is a protestation against him, or else they are chosen becaus none other could be found. I find, also, ane absolut resolution to maintaine the lawfulness of the election of ley Elders, to voite here, and the election of ministers by ley Elders, and everie thing in this Assembly going on contrare to the practice of all former tymes and positive lawes of this kingdome : Therefore, I can acknowledge nothing to be heir done by the voite of such men. In the meane tyme, I desyre that this declaration of the Kings will, may be insert in the Bookes of the Assembly, as ane testimonie of his Majesties sinceritie in religion, and that he hath no intention of any change in Religion, and is readie to perform all that is here promised, and what further may conduce for the peace of the land, and especiallie, that Assemblies shall be indicted als oft as the affaires of the Church shall requyre.

*The Moderatour his Speech to the Commissioner his Grace.*

It weell beseemeth us, his Majesties Subjects, convened in this honorable Assembly, with all thankfullnes, to receive so ample a testimonie of his Majesties goodnes, and not to disesteeme of the smallest crumbes of comfort that fallis unto us of his Majesties liberalitie. With our hearts doe we acknowledge before God, and with our mouth doe we desyre to testifie to the world, how farr we think ourselves obleist to our dread Sovereigne ; wishing that the secrete thoughts of our hearts, and the way wherein we have walked this tyme past, wer made manifest. It hath bein the glorie of the reformed Churches, and we aeompt it our glorie after a speciall maner, to give unto Kings and Christian Magistrats, what belongs unto their places ; and as



we know the fifth command of the law to be a precept of the second table, so doe we acknowledge it to be the first of that kynd; and that nixt to pietie towards God, we are obleist unto loyaltie and obedience to our King. There is nothing due unto Kings and Princes, in matters ecclesiasticall, which, I trust, by this Assembly, shall be denyed unto our King: for, beside auctoritie and power in matters civil, to a Christian King belongeth, *first*, inspection over the affaires of the Kirk, *et debet invigilare* not only *super ecclesiasticis sed super ecclesiastica*: He watcheth not only over Kirkmen, but over Kirk matters. *Secondly*, The vindication of Religion doth also belong unto the King, for whom it is most proper, be his Majestie, to vindicat Religion from contempt and all abuses, he being keiper also of the first table of the law. *Thirdlie*, The functions, also, are in his Majesties hand, to confirme, be his royall auctoritie, the Constitutions of the Kirke, and to give them the strenth of a law. *Fourth*, His Majestie also hath the power of Correction: he both may and aught compell Kirkmen in the performance of their duties which God requires of them. *Fifthly*, The Correction, also, must be from the Prince, who hath power from God to coerce and restraine them to his terrour and auctoritie, from what beseemeth not their places and callings. *Sixth*, The Christian Magistrat, also, hath power to convocat Assemblies, when they find that the urgent affaires of the Kirk doe call for them: and in Assemblies when [they] are convened, his power is great, and his power aught to be heard—first, as he is a Christian, having the judgment of discretion in all matters debateable and contraverted; next, as he is King or Magistrat, he must have the judgment of his eminent place and high vocation, to discern what concernes the Spirituall weill and Salvation of his Subjects: and, third, as a Magistrat singularie gifted with more then ordinarie gifts of knowledge and auctoritie; and we heartilie acknowledge that your Grace, as his Majesties high Commissioner, and representing his Majesties Royall persone, hes a cheefe place in this reverend and honorable Assemblie—first, as a good Christian; next, as ye are his Majesties great Commissioner, and third, as ane endued with singular graces, and after a speciall maner, fittest for this employment. Far be it from us to deny any thing that is done to these who are in supreme auctoritie, or to such as are subordinat unto them and delegat be them. When Alex<sup>r</sup> the Great came to Jerusalem, he desyred that [an] Image might be sett up in the temple, which the Jewis modestlie refused as inconsistent with the law, which was the law of God, but libertie offered in their power, and more honourable for the King, that they would begin the reckonings of the tymes from his coming to Jerusalem, and would call all the first borne sons be his name. What is Cæsars or what is ours, let it be given to Cæsar, but [let] the God by whom Kings reigne, have his owne place and prerogative—be whose græce our King reigneth, and we pray may long and prosperously reigne over us.

The Commissioner said—Sir, ye have spoken as a good Christian and duetifull subject.

The Moderatour said—Indeed we take this to be a free Assembly indicted be his Majesty, and we trust that all thinges in it shall be so moderat, that the word of God and reason shall seeme to proceed in everie thing, and that we shall not goe forward ane steppe, but as a clear light shall be holden out before us; and we trust to make it evident to all men that we cannot nor darre not walke in ane uther way, and we are hopefull, that such a right-

eous King as ours is, needs nothing but to have a clear trueth pointed out before him, and when he sies it, he shall fall in love with it.

The Commissioner said—I am hopefull that ye will proceed so as ye are obledged by your oath of alleadgence, and I trust that all his commands shall be found to agrie with Gods commands.

The Moderatour said—It is our heartie wishe it be so; and we rander to his Majestie heartie thanks for this Assembly, and we trust that, be Gods assistance, in nothing shall we pas the bounds of a free Assembly.

My Lord Lowdown eikit and said—As your Grace hath declaired his Majesties græceous pleasure, to the contentment of all the hearers, in condiseending to many points of the petitions of his subjects, for the which we heir rander, as the Moderatour hath said, heartie thanks; and we humblie desyre ane copy of the Prelats paper, conteining so many criminations against us, opposing this lawfull constitut Assembly, that we may consider it and censure it, and thereafter the giving of it, according to the word of God and Constitution of this Kirke, may cleare ourselves of all the imputations layd to our charge.

The Commissioner said—It hath a claus in it, as I remember, bearing registration; therefore ye may get it.

My Lord Lowdown said—But we crave that we may have ane copie of it, with your Graces allowance, out of the Clerks hands.

The Commissioner said—I will not hinder yow to cleare yourself of any imputation layd to your charge; but I will not suffer yow to goe on in censuring the prelats as I wishe I might.

My Lord Lowdown said—We trust that all our proceedings against them shall be found frie of partialitie.

The Moderatour said—As before I asked if the bookes and Aets were the rule whereby their faults should be censured, Sir, now I ask if this Assembly finds themselves competent judges to the Prelats?

The Commissioner answered—If they proceed in the censure of their persones and offices, I must remove myselfe.

The Moderatour said—A thousand tymes I wishe the contrare; and I intreat your Grace to heare the voites of this Assembly in this matter, seeing it belongs to the Assembly to be judge of their Constitutions.

The Commissioner said—I must not wrong myselfe, and much more the great bussinesse I am entrusted with, if I should argue the question with such a learned man as yow are; but I thinke it strange, notwithstanding the exceptions, documents, protestations, and declinatours usit be me in name of my Master and Lords of the Clergie, that they can take this matter to the consideration of the Assembly. Surely it is not the Bishops but the King ye have adoc with?

The Moderatour said—I must yet ask if this Assembly finds themselves competent Judges?

The Commissioner said—I wish that question may be deferred this tyme.

The Moderatour said—It is only the fitt tyme to propone this, after the reading of the declinatour; and I am only a servand to this Assembly, and can doe nothing at myne owne hand.

The Commissioner said—I can tax your carriage in nothing you have done, as a wise and discreit Gentleman; but I see now that this Assembly hes determined to go on for all that can be said; therefore I may no longer keepe silence, but oppose myselfe unto it.



Roths said—It seemes that the Commissioners Grace hath exceptionnes against this Assembly—for two reasons—first, becaus too many ruling Elders have voice in it; to which I answer, there are no more nor are warrantit be the word of God, practice of uther Kirkes, and positive law of this Kirke; and if that any yet thinke that Elders should not have voice in this Assembly, also free as any in former tymes, let them cleare it be good reason, for we are yet readie to dispute the matter. The uther exception his Grace seemes to have against this Assembly is, that he thinkes partialitie will be used heir, and that matters are determined by us before hand, as his Grace hath laboured to cleare be his two papers that are red, which are said to come from the Tables at Edinburgh; but we deny these papers to be ours; and heir I produce the two verie true papers which came from us, which have no thing in them so absurd as is said to be.

The Commissioner said—I excepted not agt your privat, but against your publick papers.

Roths answered—There came no papers from ws but these two be me produced; and if any uthers there be, they are only the advice of privat men to their privat friends; and if any thing be worth the challenging in these papers, let the author of them answer for it. And now we crave and humbly entreat your Grace if there be any exceptionnes against our former proceedings, that they be declared; for we are verie hopefull to justifie all we have done to the full, and that we shall be able to defend all as warrantable: for we never intendit but to proceed according to the word of God and lawes of this Church and Kingdome.

The Commissioner said—Your refusing to give voitt in this Assembly to the Kings Assessours, is enough to prove the contrare, if there were no more.

Roths answered—Their voits is contrare to the Constitutions and liberties of this Kirke, and therefore our refusing must not be taken in evil pairt.

The Commissioner said—That the Kings Majestie hath bruiked the priviledge of having assessours to voitt in Assembly these 50 yeares past, and why not in this Assembly, seeing our King hes shown such myldnes and beignes, and hath not uttered any angrie word since I came to this Kingdome?

Roths replied—As we acknowledge that he hath beene a good and gracious King, so whatsoever is competent to be done to such a King, shall be done by us, to witt, at his willing, obedience heartlie prayes and wishes that he may lang and prosperously reigne over us; and if we doe not so, let not Gods blessing be upon us. But we must so proceed as this free Assembly be not prejudged, nor the liberties of this Kirk impaired, seeing we must make answer to ane higher judge. If the privilege craved were in matters that were in our power, we would soone have yealded; but seeing they are not, I thinke we should be excused.

The Commissioner said—Seeing ye will not give to our King what was given be our predecessours, I cannot thinke ye will have that obedience ye speake of.

Roths answered—Obey we will, in everie thing dew to his Majestie, be the word of God and lawes of this Kirk, and shall be readie to thrust out of doores all such as will be utherwayes. But if that which is now craved was given in former tymes, not by a right law but by a corrupt practice, and matters were caried utherwayes in his Majesties absence then they should when many moe corruptions, as now to be redressed, why not that amongst the rest?

The Commissioner said—It is enough for us to prove that he had Assessours.

My Lord Rothes said—Let your Grace say that he had be right, and we shall agree to it.

Moderatour said—Thinks your Grace of these worthie and Noble Lords that sitt by yow, that this is refused out of any disobedience to our King, or disrespect to these Nobles, but from a respect to God and his Kirke, and these Commissions may verie weill agree?

The Commissioner said—No man may thinke but our gracious King will maintaine the liberties of his Kirk in all heartie and sincere wayes as any of his predecessours, and thinke he nowayes intends to incroche vpon the liberties of the Kirk at this tyme, but only to defend it from the oppression of overruling Elders; and yet I tax no man—for I have no charge to that end; and if I had, I thinke I have a heart to execute my Masters Command as ane other Man. But our King, intending only the maintenance of the puritie of religion in a quyet maner; and, therefore, I desyre that nothing be put in practice in this Assembly by ley Elders, which hath beene so long out of practice. If these Elders should have beene pleased that this Assembly should have beene constitut, after the late ordinar maner, and than have comed in and claimed their right to sitt and voitt here in a fair way, I thinke it would have beene grauted; for what could conduce more to further a Kings end, and strengthen his auctoritie in ane Assembly, than that a number of wyse and learned laymen should have voitt in it? But becaus he intendeth only the preservation of the puritie of religion, he cannot consent that ane Assembly should consist of such a great number of ignorant men, wanting abilitie to judge matters to be handlit heir, but desyred only that this Assembly may consist of the Churches owne pure Members, that so she may receive no prejudice heir.

Lowdoun said—I perceave the maine objection against the voiting of the Ruling Elders is yet urged, and their ignorance to judge in matters that are to be handlit heir; therefore I offer heir to dispute, that the office of a Ruling Elder is warranted by the word of God, practise of uther Kirkes, and lawes and practise of our owne Kirk, and referris the decision of the question to the Assembly as the only competent Judge. The question is already dispute heir be Doctor Balcanquell, and it is grantit from the testimony of the Synod of Dort, that Elders have voitt in matters of faith, and matters of discipline and order; and where it is objected that these Elders at the Synod of Dort were learned and judicious men, able to dispute and treat of the greatest matters in the Latine tongue, and these heir assembled are not such for the greater pairt, I answer, it is not alwayes men of the greater place and learning who bring forth clearest light in matters that concerne religion. There are heira number of Gentlemen and burgesses of the lowest sort, trained up at schooles and colledges, taught all the ground of religion, and able to decerne trueth when it is pointed forth; therefore—seeing be the lawes and practice of this Kirke, such hath beene in use to voitt before, and we have offered to dispute the matter yet more—referring the decision of the question to this Assembly, we hope there is enough said for clearing of our power.

The Commissioner said—It is hard for me to make answer for everie speach of such a number of learned and understanding men. But, as I remember, Doctore Balcanquell said not that the Elders of the Synod of Dort had voice in matters of faith.

My Lord Lowdoun answered—It is true the



Doctor made a distinctione of more and les fundamental poyntes of faith. But that Synod did determine what was more fundamentall and what was less fundamentall poyntes of faith; and it is clearlie proven that the Elders had voit in all matters proponed their.

The Moderatour said to Doctor Balcanquell—Let the question be yet stated and agitat; for the question now in hand is not, whether the office of Ruleing Elders be warranted by the word of God—which I thinke none will deny—but the question is, whether the Elders, according to the Acts of Assembly and Customes of this Kirk, hes place to voice heir? And if ye, or any, will be pleased to conferre or dispute the question, we are ready for it. The Convocation House of England would not be content that any should say, “Your Church is not weill constitut;” far les can we heare it said to us; therefore we would be glad to heare what ye have to say in this question; and if the Commissioners Grace would stay, we trust he shall heare this and many uther questiones discussed.

My Lord Rothes said—The Commissioner seemes to take speciall notice of that expression which was in the Letters from Edinburgh, called the Tables; as if the Letters from these Tables did import a judicatorie; therefore I desyre to cleare it. When great numbers were conveyned in Edinburgh from the sense of evils lying in this Kirk, and wer joyning together in putting up a supplication to the Lords of Counsell, my Lord Thesaurer taxed us for such numerous Convocations, quhilk as the Convocation was out of love to Religion, which seemed to be in hazard, and therefore everie man having onie particular interest, conveyned: we answered, that such a Convocation behoved either to be, or Commissioners in their name; and your Grace desyred that when ye came to Edinburgh, that the toune might be emptied of such multitudes; and your Grace ordained that the schires should convene be their Commissioners: therefore, when the Commissioners from schyres and presbitries mett, and sett downe, what absurditie is in it, to call them so mett, “a Table,” seeing it is not called a Counsell Table, or a Judiciall Table, such as the Prelats called their Tables? If we called it a Judieiall Table, let us be hanged for it. A taylors table, sitting with hismen sewing about it—so-called a Table—or a company eating at such a mans table, there is no absurditie in the speache; and we did not call ourselves “The Tables,” but uthers gave it that name.

The Commissioner said—I except not much against the name of Table; neither have I spoken any thing in passion against it, albeit I be naturalie passionat; yet I thank God there hes not much passion escaped me heir. I have no caus of passion to heare these Meetings called a Table; for there is passion enough at my heart, that I find so much power at these Tables, and so little at the Counsell Table—for it is weill knowen, your positive Counsells are more regarded nor the Kings Counsell Table. But I forbear to speake more. I could bring foorth many moc just causes and exceptions against your proceedings, but I know they will be to no end; for I feare your prejudged opinion of all that I can say.

My Lord Rothes desyred that his Grace would bring foorth any one instance wherein any had failed at that Table.

The Commissioner said—Ye know that all the ordour from them hes been readilie obeyed, but little or nothing from the Counsell Table.

My Lord Rothes said—I know neither direction

nor obedience given in any thing from that Table, but according to the word of God, and lawes of this Kirk and Kingdome.

The Commissioner said—I came not heir to reeriminat, and therefore I pas it.

My Lord Rothes said—Please your Grace to heare the true directions from that Table; for, in trueth, I never heard of these given in be your Grace; and, when ours are read, we trust we shall be found to surrogat no auctoritie to ourselves.

The Moderatour said—If any good success come from these directions, it is to be imputed to God, and not to their auctoritie.

My Lord Lowdown said—I would ask at your Grace, what are these directions from the Counsell Table, which have not gotten readie obedience from us? For I know none but such as could not be obeyed for conscience sake, and that cannot be compted disobedience.

The Commissioner said—I know that all my Masters Commands are justifiable, and such as good Christians should obey; and I thanke God for his righteous and clement heart.

My Lord Lowdown said—We think that your Graces labours hes still turned matters to the better, and we pray it may be so still, till thir matters be at ane end.

The Moderatour said—I would ask the voits of the Tables, whether you thiuke yourselves a Nationall Assembly or not?

The Commissioner said—If I could patientlie continow, I should tell my opinion; but seeing now my loyaltie and faithfull discharge of my Commission is in hand, I must remove my persone; for my estate is not so deare to me as my reputation and fidelitie to my Master.

The Moderatour said—We only crave the renewing of your Graces former patience.

The Commissioner said—I cannot assist nor consent to any thing that is done heir, except ye adhere to that which ye have heard red, in the sealed paper; and still I protest that nothing done here may inferre his Majesties consent or myne, or yet oblige any of his good subjects.

Rothes said—After many supplications were presented to his Grace, your Grace was imployed for sattelling of matters, and we expected a happie conclusion when your Grace promised to deale for a free Assemblie; and, if any just exceptiones were against the Prelats persone or discharge of their office, it should be referred to the Assembly: And now the free Assembly is granted, and is fullie constitut. If your Grace, who is a cheafe Member of it, be protestation and deserting of it, labours to make this Assembly most unfree, it is more nor we expected. If your Grace hath any just exception against our former proceedings, or doth feare that we shall not proceed in such a just maner as becomes us, we are readie to cleare our selves. In both we shall repell, or give satisfaction, for bygones, or for tyme to come—the law of God, and Constitution of this Kirke, shall be ane rule, as it hath beene hitherto.

The Commissioner said—I attest God, I have laboured as a good Christian, loyall subject, and kynd countryman, for the good of this Kirke, laying aside all privat considerations, as I shall answer to God; and, at my last going to Court, I said to some of my particular friends, that I should doe what in me lay for procureing a free Generall Assembly; and now a most free Generall Assembly hath beene procured and indicted: but things in it are so carried that it is like to be a most unfree Generall Assembly. For the reasons I have already expressed,



glad would I be to have it utherwayes, as there is nothing which can be proponed, keeping my self within the bounds of my Commission and fidelitie to my Master, but I shall doe it; for I desyre to [serve] God, my King, and my Countrie. But a weightie burden is layd on the back of a sillie young man overcharged with a toilsome bussinesse, and unable to bring it to such ane end as I would.

Rothes said—And the present evils, and further inconvenients like to come by your Grace rying, must be ane; and we protest that we are free of all: Therefore it must lye upon these unhappie men; they are the band of all the evils, and their source sends forth all thir secrete suggestions and privat whisperings against Ruling Elders, is a chiefe cause of this.

The Commissioner said—But I heard these men sweare that, for procuring the peace of the Land, they were content to lay downe their offices and livings, and leave this Kingdome. I grant the offer is but small, for the Prince whom they serve can make it up another way.

The Moderatour said—I wische these men were more wise then to make themselves more odious to the land, by moving your Grace to leave this Assembly; for it is evidentlie scene by all, that they are the cause of your Grace rying.

The Commissioner said—I grant the cause is be urging in of a declinatour and a protestation against lay Elders; but, truelie, they are free of this my declaration, now red in your hearing, which I desire to be insert in the bookes of the Assembly.

The Sheriff of Teviotdaile said—The paper your Grace craves to be insert, is full of grace and goodness, and the registration of that, proves the bookes to be an allowed Register, and the Assembly to be lawfull; and if your Grace hath protested against the auctoritie of these bookes, and lawfulness of this Assembly, and will leave it as unlawfull, how dissatisfying are these?

The Commissioner replied—Whenever I have assented, it shall stand good.

The Moderatour answered—Your Graces direction to registrat these papers in this, is ane acknowledgement that these bookes are good.

Mr David Dalgleishe said—I perceave, by your Graces speach and the Bishops paper, that they desyre to be cleared of these foule aspersions and imputations given in lybell against them. If, then, your Grace shall leave this Assembly, it is evident that they have the wyte of it, and have no will to be cleared, but would have all their challenges and imputations lye undiscussed.

The Commissioner answered—I am sure the Bishops desyres nothing more then to have a lawfull hearing before a judge free of partialitie; but no man will submitt himself to a judge whom he thinks his partie, as they think this Assembly to be.

Mr David Dalgleishe said—If I were in their case, and judged myselfe free of such imputations, I would submitt myselfe to the meanest subject of this kingdome, let be to such an honourable Assembly.

My Lord Lowdown cikit—If they would declynie the judgment of ane nationall Assembly, I know not ane competent judgment seat for them but the King of Heaven; and, as for us, we sweare we have no personall prejudice at them: but in sua far as they have wranged the Church, the King, and Countrie, we desire they may be censured for it.

The Commissioner said—I stand to the Kings prerogative as Supreme Judge over all causes, civil and ecclesiasticall, to whom I think they may appeale, and not let the causes be reasoned heir.

My Lord Argyle desired the Assembly to heare him a little before his Grace should departe, and said—I was called to this Assembly by his Majestys command; but now, being come, I desyre to cleare myselfe, that my pairt hes bein fair in every thing that I know, neither as flatterer of the Kings Grace, nor for my own ends. I have not striven to blow the bellows; but studied to keepe matters in als soft a temper as I could: and now I desyre to make it knowne to you, that I take you all for members of a lawfull Assembly, and honest countriemen. As this Assembly consists of members civil and ecclesiastic, I wishe that care may be had that this bodie may byde together, as ye all band yourselves by the late subscryved Confession of Faith; but I desyre that nothing be done in this Assembly to the wronging of that Confession subscryved by us of his Majesties Counsell, as if I had subscryved it with a mynd different from that which all had at the first making and subscryving of that Confession.

My Lord Lowdown answered—Your Lordships protestation is very reasonable, seeing it is very scandalous that ane Confession should be subscryved be the Lords of his Majesties Counsell and Session, and ane uther be the bodie of the countrie, as if they were two different Confessions of Faith among the professours of ane religione in ane kingdome; therefore, it is earnestlie desyred of all, that the Confession of Faith be cleared, and a full explanation of all the heads and articles of it, that all may heartilie joyne in ane Religion, and duetifull obedience to our King, and that no slander goe abroad to uther nations.

The Commissioner said—What is done by warrant of auctoritie shall be cleared by the lawes of this Kirk and Kingdome, and wayes also shall be found to cleare his Majesties intention and will.

My Lord Lowdown replied—We are nothing diffident of that, neither is anything of that sort said by us to prescrive your Grace; but seeing two Confessions are subscryved of divers constructions, as humble supplicants we desyre that the Confession may be cleared, that all his Majesties subjects may be joyntlie tyed to God and the King.

The Commissioner said—I had warrant to give order for that and much more, but alace! I may not now stay.

My Lord Rothes said—It is pittifull that the Confession should not be cleared, seeing it is subscryved with three severall Constructions, and in Aberdein by some after a Popishe mauer, admitting all the ordinances of the Kirk introduced or to be introduced, and this is the Papists implicate faith; by uther with that Construction only which it had when it was first subscryved anno 1580; and a third sort with a mere abjuration of all novations introduced since that tyme: therefore it is necessar that the Confession be cleared in the Assembly.

The Commissioner said—I cannot stay now.

My Lord Rothes said—Becaus your Graces departure was surmized this morning, therefore it was found necessar by this Assembly that a protestation should be made against your Grace. But we are most unwilling for to present it, and would rather intreat your Grace to propone your scruple and exceptions against this Assemblie, that they may be cleared. If your Grace will not, but will depairt, we must protest that your Grace hes depairted without a just reason.

The Commissioner said—I make a declaration that nothing done heir in this Assembly shall be of any force to bind any of his Majestys subjects; and I in his Majesties name discharge this Court to sit any longer.



[*The Commissioner leaves the Assembly.*]

And while the Commissioner was in departing, the protestation against his departure was put in the Clerks hand and red, and Instruments tane of the protestation.

The Moderatour said—All that are heir knowes the reasons of the meeting of this Assembly; and albeit we have acknowledged the power of Christian Kings for conveying of Assemblies and their power in Assemblies, yet that may not derogate from Christs right; for he hath given divine warrants to convocate assemblies whether Magistrates consent or not: therefore, seeing we perceive men to be so zealous of their Masters commands, have we not also good reason to be zealous toward our Lord, and to maintaine the liberties and priviledges of His Kingdome? Ye all know that the work in hand hes had many difficulties, and God hes borne us through them all to this day; therefore, it becometh us not to be discouraged now by any thing that hes interveined, but rather to double our courage when we seeme to be deprived of humane auctoritie. He desired some of the brethren should speake a word of encouragement and direction to the Assembly, as God shall put in their heart for the tyme.

Mr David Dick said—Ye all understand that the great worke now in hand hes been from small beginnings; for at the first, we intendit only to exoner ourselves, and to leave a testimonie to the posteritie that we bare witness to Christs oppressed cause. We thought the Cause desperat when we wer chargit to buy the Service Bookes under the paine of horn-ing; yet we gave in supplications to the Conncell, desyring us to be heard against such indireet proceedings. When we knew not what to doe next, God hes led us on steppe by steppe, keeping us still within the compasse of his word and lawes of this Kingdome, for any thing that we ken; and we have only followed our cans with humble supplications to our King, and protestations against that which we could not obey; and it is evident that God hes accepted our testimonie—for his hands are about us still—for if he had not directed us, and his hand had not gnyded us, we had bene long since confounded in our witts, and could have done nothing for the compassing of this great worke, more nor young children; neither could we have continued in a mynd till this day, if a spirit had not told us. Seeing the Lord hes led us in a safe way to this day, he is now to crave a solemn testimonie of the Kirk of Scotland, and to ask of everie Man, who is his God? And we have clearlie presented unto us, a lesson of our fidelitie to our Lord from my Lord Commissioner. He hath stood punctuallie to the least point of his Commission. It becomes us to be als loyall to our God, seeing we are not restricted to particulars as he: Therefore, seeing this Court is granted to us of God, under our King, and with allowance of our King, and a parliament indicted to warrand all the Conclusions of it; and now he hes drawn back his granted warrand, shall we for this be disloyall to our God, and slyde from that which He hath granted? If we goe not, we shall prove traitours both to God and our King; or if we be silent, and passe from this Assembly, how shall the will of God be demonstrat to our King in pointes controverted? There is not a meane to informe our King fullie and clearlie, but the determinations of this Assemblie: Therefore we must now proceed, and so proceed as all our proceedings must answer for themselves, and, it may be seine, we have procedit as good subjects

to God and our King. We must either goe on, or take upon us all the imputations of scandalous and turbulent persones, and grant that there hes been als many wranges as there had been false imputations layd out against us; and this were to sin more deeplie, and to quyte these glorious priviledges which Christ hath granted to us, above all our Sister Churches, seeing there is not a meane to cleare ourselves to the Christian world but this. Let us goe on, putting over the matter upon our Lord and Master, and he shall answer for us at the Court of Heaven, and justifie us in the eyes of all that are wise.

Mr Hary Rollock was called next, who uttered a speech to the effect foresaid.

Mr Andrew Cant, and some uther of the brethren, spack likewise to the same purpose.

In the meane tyme came in

My Lord Erskine, before the Assemblie, and, with teares, did regrait his so long refusall to subscribe the Covenant, and was now most willing, with heart and hand, to subscribe it, if the Assemblie would be pleased to accept of him: the seeing and hearing whereof caused no small matter of joy to the whole Assembly; acknowledging, with admiration, the wonderfull Providence of God—that some had deserted and gone from them, so uthers were sent unto them. To encourage them there were also, at that tyme, four or five uthers, some whereof had been in uther countries, in tyme past, who all did enter in a Covenant with joy to themselves and the whole Assembly. After which, the voices of all the Assembly were craved by the Moderatour—Whether they would adhere unto their Protestation uelie red, or continow to the end of the Assembly now discharged?

All and everie one of the Assemblie except six or seven, declared solemnlie, that, with all their heart, they adhered unto their Protestation, and promised to continow till this Assembly, after the settling of all matters, be dissolved be commoun consent of the Members.

The Moderatour, having renewed the question againe, Whether they found themselves lawfull and competent Judges to the pretendit Bishops and Archbishops of this Kingdome, and the Complaints given in against them and their adherents, notwithstanding of their declinatour and protestation? The whole Assemblie, except four, declared this Assemblie to be most lawfull and competent Judges to the pretendit Bishops and Archbishops of this Kingdome.

The Moderatour having called upon the name of God, this Session dismissed.

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Moderatour—I must intreat yow, honourable and welbeloved, to consider yow are in the sight of God, who not only requires inward reverence, but also outward respect; becaus these who hath bene our old adversaries, and hath now declared themselves to be so, hath spoken reproachfullie against this Generall Assembly, especially becaus of the tumultuous carriage of the Members thereof, when they speake concerning the suffrages—the voits of the Members of the Assembly. But that no such occasion may be given to them heirafter, let your carriage be grave as in the sight of God. Keep yourselves quyet; becaus ye ought to have your judgements exercised about the matter in hand, and elevating your mynds to God to send downe light; and, when he sends downe a good motion, ye may expresse it with gravitie, and that



two or thrie speake with leive—not that I assume any thing to my selfe, but I am bold to direct yow in that, wherein I have the consent of your owne mynd.

After in calling upon the name of God,

The Moderatour uttered these words :—The Assemblie is not fullie constitut—not that I call the lawfullnes of it in question, for the authoritie of it is manifest—but let us leave nothing undone that is necessar for the constitution thereof. There are some Commissions controverted, quhilks are not yet discussed; therefore let the Committies delyver their papers, and tell their judgements.

Then the Clerk called the Committie of Peibles.

Moderatour said—Have ye found these Commissions good and valide enough?

Answer—We find no reason against it; but yet we think it good to heare any that hes any further information.

Moderatour said—If there be any Member of this Assemblie that hes any further information to give to the Committie for the Presbitric of Peibles, let them give it in to my Lord Burlie at 4 o'clock.

Then was the Committie for Brechin called on.

Mr James Bonar said—We are not able to give ane answer to the Assembly as yet, in respect we have not mett since. But if the Assembly please to give us farder tyme we shall take farder tryell.

Moderatour said—Think ye not that ane of the fyve Commissioners that are pretendit to be chosen, Mr Lawrence Kinneir, who is designit be both sydes, may voit presentlie in the Assemblie; and no question if the Assembly knew the Man, none would object against his persone, and his Commissions cannot be cantraverted, since both pairties hath chosen him?

Lowdown said—Enquyre both the pairties if they have any thing to object against him.

Carnegie was absent.

Moderatour asked Din if he had any thing to object, who

Answered—I beleive it is knawen to the Committie who tooke the oath of the Ministers concerning the declaration of the veritie of the businesse.

Moderatour—We'll heare the judgement of the Assembly.—Then he called on

Mr David Dalgleishe, who approved that Mr Lawrence Kinneir should have voit. Then he called on

Mr Robert Dowglas, who said—I was upon the Committie, and I think it meit to let it lye, and let none have voiting till tyme it be better sighted; for it may be, informalitie be found on both sydes—for Carnegie being absent, it is good to let lye to see if he will compeir to-morrow: if not, consider if the uther have such insufficiencie that it cannot stand as a Commission; and if it be not insufficient, let him voit.

The Moderatour desyred ane uther of the Ministers of Carnagies Commission to stay still, becaus he was a reverend Father, and was acquainted with the Assemblies. Though his Commission was not lawfull, yet he may be a wnesse to their proceedings: who answered, he should stay if the Assembly would allow of his Commission.

Moderatour said—We are not to give sentence whill the morne.

Moderatour said—In the declinatour and protestations given in by the Prelats, there were some exceptions tane against some worthie men [who] came out of the Kirk of Ireland, admitted Ministers in Scotland, and now chosen Commissioners to this Assembly; therefore it is good the Assembly had all their myndes cleare concerning them: and after

that we will not have much adoe with Mr Robert Blair, Mr John Livingstoun, Mr James Hamiltoun; for Mr Alex<sup>r</sup> Turnbull he is under censure.

Mr Robert Blair said—We have our reasons to give in against the unjust proceeding of the Prelats against us in Ireland, proving their Censure to be null. If the Assembly thinke it expedient, we shall read them.

Moderatour said—Doe ye remember the words of the Declinatour concerning yourselfe?

Mr James Hamiltoun said—These are the words: “also some Ministers under the Censure of the Kirk in Ireland.”

Then the Reasons were given to the Clerk and publictly red.

Moderatour said—Take head to these Reasons that ye may object and propone in any thing wherein ye get no satisfaction.

Mr Robert Blair said—There were some that were under censure, and we were never chargit; only we heard about a year after we came away they were seeking us.

Mr David Dick said—Moderatour, I will tell some thing to cleare that, becaus I am their neighbour. Now, I heard that when they wer under proces, the bishops had respect to their not coming back againe, or if they came, it might scarr people from hearing of them.

Moderatour said—I beleive our Church is independent, and depends not on the Church of Ireland.

Mr Blair said—And there is not ane in this Assembly that adheres to the Confession and Covenant of the Kirk of Scotland, but the Prelats, both heir and there, judges them all worthie of the deepest censure that their pretendit power can inflict. It had bein small matter that some four or five of ws been carceired, were not thereby the publict caus had been woundit; for the same prelats are already to charge this whole Assemblie with the same, wherewith they charge us; therefore, if there be any heir who have any thing to say, let them doe it publictly in the face of this Assemblie. If the declarations be not cleare, the Assembly may get full assurance of this.

The Moderatour said—Ye have not a mynd to bring this Assembly to a snair; but if there fall out any thing to be written against the Assembly, ye will cleare the same by writt.

Mr Blair said—We promise so to doe, and for our owne parte, we thinke all that speakes in ane Assemblie, should speake in the sight of God.

Shirreff of Teviotdail said—I thought to have gotten farder satisfaction and some information concerning your depairture out of this Kingdome, at first removed.

Moderatour said—Weill remembred; for there is something of that in the Proclamation, saying these who made Sermons against Monarchicall Government are Members of this Assembly.

Mr Blair said—I thank God that, by occasion of this and that which the worschipfull Shirreff have said, my declaration of this point is occasioned, all which of my owne accord I would gladly have motioned, were not I feared the imputation of takeing up too much tyme in this Honorable Assembly. I first take God to witness, that all the afflictions that hath befallen me from my youth, at my hand, hath beene, for aught I know, for constant adhering to the Confession of Faith of the Kirk of Scotland, since the day that Perthes Acts were determind, where I was present, and the Lord furnished me with resolutions to stand to the truth, which there I perceaved to be oppressed. And I am sorie that this declaration, if I be particular in it, will force



me to expresse the names of some whom rather I would desyre to sparr. It is weil knawne, while I was a Master of the Colledge of Glasgow, there came a learmed Couuntryman of myne, that had been in forraigne pairts, and promised to reduce the Colledge to conformitie to Perthes Articles; and finding me somewhat resolute to stand out, it made some little grudge in that learned mans mynd. There was addit to this ane uther in a publick theologicall dispute. It fell out that a poynt of Arminianisme in the poynt of election, where foirsein faith was mentained by that learned mans schollers, who came out of France with him, I being the opponent. What I say can be justified by a Commissioner within this house, who will be loath to utter it unles he be put to his oath, in respect of the respect that he beares to that learmed man. This being the Controversie, standing out against the corrupt course of conformitie, and that in a dispute I taxed that Arminian poynt in my notes upon Aristotles Ethicks and Politicks. Heirupon I, not being called to any publick, civil, or ecclesiasticall Judicatorie; but in ane accadematicall or schoele meeting I was called there, and examined upon some dictats in Aristotles Ethicks, where I stood before all the Universitie, offering dispute upon all that I had taught, and for three houres dyted aff hand answers to the questions that were made, subscrievd them with my hand, and offered that they should be transmitted to the Kings Majestie of blessed memorie. This being done, Mr Robert Wilkie, Rector of the Colledge, being a hearer, stood up and said, "Would to God King James himselfe were present to hear the declaration that this man hes made:" Lykewayes, Mr Rob<sup>t</sup> tooke me in his armes and thanked God that I had so far cleared myselfe. Perceaving what undermining powers were against me and the course of the tyme, I resolved to have resigned my place, whereto I was bound seven yeares: wherupon Mr Cameron, that learned man—a learned man indeed, whose name I wished altogether to have spaired—perceaving he was lyke to have lost his thanks for labouring to reduce me to conformitie, dealt with me in privat, and ingadgit himselfe that I should ryse to preferments if I would be drawn to conformitie, and that it was aue happie occasion to give up my name to the King, having declaired myselfe to their satisfaction. Ane uther poynt—the Archbishop of Glasgow was drawn on this course to examine the poynt; but perceaving how he had bein led, and that malice had caried on the course, he delyvered my papers wherein I had given my answers, and would not take them back againe, and told to a worthie man, Mr James Robertsou, that he perceaved the ground of all the matter was meere malice agaiust me, and withall sent for me and requeasts me not to leave the Countrey, for I should shortlie be provydit for: And after I had goue to Ireland, he declared to my brother-German, Mr W<sup>m</sup> Blair—a grave and judicious man, knawen be the most parte of the Assembly—that he was resolved to plant me in the Kirk of Air, where God by his providence hes now brought me. This was written to me the first moneth I was in Ireland—and moreover, there was ane Letter written be the Archbishop of Glasgow to King James; and before he wrote it he send for me and said, "I fear there be some that not only carries evill will at yow but me in this matter, and least we should be both wranged, I will write ane Letter to his Majestie for our exoueration;" and thene he wrote ane letter, and there was an answer returned to me by my Lord Alexander, Earle of Stirlings sone, resolving

me that the King was more nor satisfied; and so there was no cryme layd against me, but that I proponed some question out of Aristotles Ethicks; swa there was never any judicall proces, let be ane sentence against me: only there was ane academick meeting, and becaus I wearied of philosophie and demitted my place.

The Moderatour said—Then it is unjustlie said by same, that being censured, yow are put out of the Colledge.

Then Mr George Young and Mr Robert Baillie and Mr Zacharie Boyd declared that he had related the matter truelie.

Mr John Adamsone said—There is ane generall accusation against them as is against the whole Assembly; and so they are but scandalls.

Moderatour—They scandall us for having laick Elders, and we shall make it manifest be the word of God, that we should have them. Then the Moderatour ealled on sundrie members of the Assembly—Mr Robert Wilkie, Mr James Bruce, Mr Androw Ramsay; Nobles—Johnstoun, Lowdoun, Cranstoun, who answered they were all satisfied.

The Moderatour said—Altho' the prelats accusation be generall, yet for stopping of the mouth of malicious persons, we will stryve to answer any particular that we can perceave they ayme. Ye remember that there are some gencrall thiuges in the declinatour concerning some ministers uuder censure and not, were stryving to find out who they could meane, bethought they be not named; and we find that there were some under the censure of the High Commission: Mr David yow are one.

Mr David Dick said—I was admitted Minister of Irwing before Perth Assembly six months; and having uunderstood that Perth Articles were given out, I fell to and studied the cause as I should answer to God; and being under sickness for the tyme, I held me quyet the space of two yeares and heard all men and [carried] not myselfe hither and yond: and last, when I saw it lyke my life should not have been long, I saw it necessar to give my testimonie to that trueth that I thought was borne downe. The Bishop got notice that I spake frielie, and yet in such modest termes as they would not have gotten me in the calk; for within three or four yeares after my entrie, was summondit before the High Commission. I compeired; and becaus it was the first day of the Bishops their new rooffe—having gotten the greene wax from Court—that is, that day they were made sole bishops as they were not before—I tooke course, after the incalling of the name of God, to doe as became a faithfull member of the Church of Scotland, to mell with what belonged to my calling, I drew to a declinatour of that Judicatorie, because I was iuhibited be act of Parliament. When I red my summons, I looked wher they should have said, "James, be the Grace of God, King of Great Britaine," and I found that they said, "James, be the mercie of God," &c., "and John, be the mercie of God, Bishop of Glasgow," which I made a reason of my declinatour, and offered to be judged by the first General Assembly; and this declinatour they turned to be my quarrell: which day I was appointed to waired; and least I should be mistane, albeit I acknowledgit not their sentence, I removed from Irwing, in regard to the Kings auctoritie, to Turray, where I was three quarters of a year. After, I was, by the diligence of my Lord Eglintoun and the toun of Irwing, by my knowledge, brought to Glasgow, where Cameron tooke in hand to couvert me or to put my heid in the perrill; and after I had talked with the Bishop, I obtained this honour that he should not make



conformitie the matter of my challenge, but wherein I had done wrang to auctoritie I would cleare it. And my Lord Eglintoun, Mr John Bell, and Mr Robert Scott, who is now dead, was present when I cleared myselfe, to have done no wrang to auctoritie by my deeliuatour. After this the Bishop of Glasgow gave ane warrand to my Lord Eglintoun, under his hand write, to send for me to keip for my exoneration. I took Instruments of my hand, coming to Irwing: heir the act and the letter of the Bishop, which I desyre the Clerk to read.

The Moderatour said—I hope the brethren hes gotten satisfaction.

The Moderatour called on Mr Samuel Rutherford and said to him—Were you not sent to Aberdeen by the High Commission?

Mr Samuel sayes—Most true. I was sent in and summonsed be the High Commission for divers pointes the Bishop of Galloway lybelled against me, and there was nothiug at all proven against me, notwithstanding three severall dayes I was before them; and the third day they had no uther question to propone but these wherewith they attempted me the first two dayes—only the matter of none conformitie which I stand by; and upon this they sentenced me, after I declared, by write, the unlawfulness of that seat, and that I durst not be answerable to the King to acknowledge that Judicatorie, becaus it was against the standing law of the Kingdome. Notwithstanding of this, they proceedit against me, deprived me of my ministrie in Anweh, and confined me in Aberdeen. I watched on in Edinburgh, desyring the Clerk to give me ane extract of the sentence, but could not get it, and the reason why he schiftit me was, becaus the Bishop of Galloway caused him adde a pointe to my sentence that I was not sentenced for—to witt, that I should exercise no ministeriall functione within the Kings dominious. The Clerk denyed it was a pointe of my sentence; notwithstanding, the Bishop of Galloway caused adde that pointe, and I could never have the extract of it, onlie I got the Copie of it, and so I went in without a charge; and, heareing that the Secrete Counsell had accepted a deelinatour against the High Commission, I came out without a charge.

Clerk sayes—By Act of Parliament, all the Kings leidges are discharged to give obedience to any judicatorie, but that which is established by Act of Parliament and lawes of the Kingdome; therefore ye ought to be condignlie censured for entering into waird.

The Moderatour said—Earlstoun, yow have beine lykewayes under their Censure; who answered—I was confined in Wigtoun under the High Commission, where I gave ane appellation to the Counsell which Lorne can declair.

Argyle said—Indeed I remember weill of the Decreit past against Earlstoun when I was in England, and, when I came home, it was the day before Earlstoun was appointed to goe to waird. I desyred earnestlie that he might not be confyned but fyned; and so the pretendit Bishops did, which is not overseene in their dittay. There was a decreit given out from the High Commission upon no warrand but his none compeirance, as if he had bein present in *foro contentissimo*. The Bishops went on as if he had compeired, and decreitit all that was libellit, as if it had been proven; and the Bishop eikit, at his owne hand, “becaus Earlstoun presumed to protest.” Upon this I found it was a litle informall, and desyred Earlstoun to forme ane bill and give in to the Counsell. When the bill was given in, I dealt with the Bishop of Galloway, to

see if he would keep it from a publict hearing, and he was satisfied, but afterwards he was not so willing. I insisted and solicitat the Counsell that they should be content to dispense with the confynement, upon the payment of his fyne, which they were content with.

Moderatour said—I beleive verilie that these to whose cares the voice of the speakers hes come, be satisfied with that which hath bein said. If any be not yet satisfied, or hes any point or circumstance to show that they have heard objected against thir worthie Men, let them bring forth. —Since there is nothing to say, let us goe on.

Although we doe not match or equall the Confession of Faith of any reformed Kirk with the word of God; altho’ we doe not make it *formam fidei sed formam confessionis*; yet we have great reason to think reverentlie of our owne Confession; becaus uthers, who have bein Strangers, give a great testimonie to it. That it may be the better thought of, it is expedient that we have a cleare understanding of the particular arteiles therein contained, espeeciallie these that are controverted. Ye know what a bussines hes bein about the subscriptions of the Confession of Faith—some subscriyving it with some interpretation of it, or application to the Scrvice Bookes and Cannons, and uthers subscriyving that of late tryed by his Majestie, and the short Confession of Faith, with the generall band nakedlie, without any siek application or interpretation, subscriyvit be the Counsell. We are to think advisdlie to it as of great importance, and hope we shall heare somewhat to give us light to encouradge us to goe forward in the interpretation thereof, that that light we have may shine to uthers.

Argyle said—I should be glad that all that are heir might heare me to the full; and least I should be mistaken of what I said yesterday, I would gladdlie let it be heard to this company, I intendit that two thinges should have beene knowne before we parted in the termes we did. The first was, onlie to take the Commissioner and States to witnes on the one parte, that what had beene my parte in all this bussines was neither flatterie nor seeking my owne ends; that, upon the uther pairt, it ought to be knowne that I was never a desyrer of any to doe anything that might wrang soveraine auctoritie, but studied to keepe thinges in the fairest order I could. The second thing was truelie, I heard some dispute was like to grow by somewhat that was spoken be Doctor Balcanquell concerning the Constitution of this Church; and, although it was incumbent to me to beware that that dispute should not grow dangerous—that when a whole Kingdome was entered in a nationall oath, the Assembly might not enter in any dispute, nor go in any thing that might prejudice any thing that by their owne knowledge and consent had been done; I say it was incumbent to me to beare witnes that nothing should be done prejudiciall to that voit; not that I thought that I desyred it should not be tane to consideratione what it were, becaus some hes done it doubt-somlie—uthers hes referred it to the Generall Assemblie—uthers, not out of any dislike to religion, subscrivit it as the meaning of it was when it was first sett downe, which I now adhere unto, and declaires, that in the publict way that we did it, it was as it was then profest, without any sophistication or equivocatione whatsoever, and I heare of no uther interpretation; and that I adhere to againe and againe, and desyres that any thing of that kynd be done wiselie, and be so looked to, that a whole kingdome run not themselves to a nationall perjurie. And if I have beine anything intricat, I cleare my-



selfe, and make it knowne unto the world that I adhere unto the meaning of that Covenant as it was first subscriv'd, againe and againe, shortlic wisheing this nobile and worthie meiting to go on wyselie, considering the goodnes of our gracious Master, who hath condescendit to many things, and gone further on nor many looked for; and what is wanting I hope it is misinformation. And for the Commissioners cariage, it hath beene very modest; and therefore I recommend to you to consider that ye have both the estate of the countrie and the estate of religion in hand, and according to your discreit cariage will this glorious worke be done; and doe it in that respect to your graceous Sovereigne as becomes obedient Subjects.

Then the Earle of Montrois said—My Lord Wigtown was to come heare with my Lord Argyle to make his owne declaration, and will be heir on Tuysday to declair himself to the Assembly as my Lord Argyle hes done, and will give all satisfaction.

Then the Moderatour spacke to the Assembly—My Lord Argyle desyres yow to know that his Lordship hes put his hand to the Confession of Faith, and uthers of His Majesties Counsell, with this express declaration, that they have subscribed according to the meaning of it when it was first sett downe, and willes the Assemblie to proceed consideratlie concerning that, lest they doe any thing to bring any man that hes subscriv'd it under the suspition of that they cannot tell what; and Wigtowne hes declared by Montrois that he could not stay to day to make the same declaration, but will returne the next week for that effect; therefore since we have this recommended to us after this manner, and the matter requyres the same, it is good for us to proceed advysedlie and consideratlie, as that which will have light to any menses mynds—I mean when we come to declair what was the meaning of the Confession of Faith when it was first subscribed—what was abjured therein in doctrine, discipline, worship, or government—so as it may give all satisfaction to all men; and I trust this grave Assembly will give their declaration from good reasons and weil groundit, for it is a material poynte.

Then the Moderatour, in name of the Assembly, desyred Argyle to stay in the towne and be a witness to their proceedings, though he was not a Commissioner.

Argyle said—My interest in religion, as I am a Christian, though not a member of this Assembly, yet in the Collective bodie of the Kirk, induces me thereto.

The Moderatour said—This is a materiall poynt, and it would take up a lang tyme to heare all the acts concerning the clearing of the Confession of Faith; therefore I thinke it good, if the Assembly be pleased with it, to appoynt a Committie to view the bookes therefore, that they may advyse about thinges and make them ryper to the Assembly: for next unto the word of God, this Confession, so solemnlie sworn, should goe deepest in our mynds.

Lowdown said—It must be the rule of all our proceedings, and the ground of all our comfort, when we are put to farther tryells; therefore it would be verie deeplie considerit, and some judicious men named upon the Committie.

Auldbar said—There is some in the North that hes a third Covenant.

Moderatour said—We are not oblist to expone that.

The names of the Committie:

Mr David Lindsay, Mr Andrew Cant,

Mr James Martine, Mr Harie Rollock,  
Mr Thomas Mitchell, Mr David Dick,  
Mr Walter Balcanquell, Mr Robert Hendersone,  
Mr Thomas Wilkie.

Roths, Lowdown, Balmerino, Burley.

Barons—

Auldbar, Keir, Shirreff of Teviotdaile.

Burgesses—

James Cochrane, Patrick Bell provest of Glasgow,  
James Fletcher provest of Dundie.

Montgomerie said—Moderatour, we desyre our Summonds and Claime against the pretendit Archbishops and Bishops be red.

The Moderatour said—Ye know the Prelats wer summond in the best way could be thought upon; and now, since the Assemblie is constitut, and hath discussed all objections that can be imagined against us, let us heare what is said against ane of the Bishops, and remove the rest to be looked on by these that have the charge of the Billes. We need not spend tyme in reading the generall Complaint against the Bishops; but here is a particular, condescending upon some things which will cleare the generall. This is against the Bishop of Galloway.

There was a lang Clame red, containing fifteen or sixtein scheits of paper, against the pretendit Bishop of Galloway: Then he was called upon by the Officer of the Assembly, James Bell.

The Moderatour said—This is a great bussines we are entered upon, and we may perceave, by the reading of the Clame, what will be said against all the rest; and becaus it will trouble the Assembly, let them be first viewed by a Committee delegat by the Assembly for that effect, who may give accompt to the Assembly.

The names of the Committee—

Mr James Ramsay, for the Diocie of Edin<sup>r</sup>,  
Mr John Jamiesone, for the Diocie of Glasgow,  
Mr W<sup>m</sup> Dalgleishe, for Galloway,  
Mr Donald McElwrath, for Argyle,  
Mr John Duncane, for Dunblane,  
Mr George Symer, for Dunkell,  
Mr Robert Murray, for St<sup>t</sup> Andrewes,  
Mr George Halyburton, for Brechin,  
Mr Alex<sup>r</sup> Martine, for Aberdcene,  
Mr W<sup>m</sup> Falconer, for Murray,  
Mr David Monro, for Ross,  
Mr George Leslie, for Cathnes,  
Mr W<sup>m</sup> Stewart, for Orkney,

Nobles—

Eglintoun, Wcymes, Johnstoun, Wedderburn,  
Lawers, Kinliet,

Provest of Kinghorne, Baillic of Innernes,  
Mr George Gray clerk of Dundie, [Haddington.]

To thir wer addit—

Mr John M<sup>c</sup>Kenzie, of Lewis, and  
George Gordoun, brother to Sutherland.

When the Clerk called on Doctor Robert Hamilton, Procurator for the Bishops, to answer to any thing he can say to the Summonds and Complaints given in against them, he compeired not.

The Moderatour said—Ye know I was saying that the first occasion of our Complaints and Supplications were the Service Booke, and these Canons that were urged upon us. Ye know how miserable the face of this Church and State had bein before this tyme, if we had not supplicated against these evils, and what great mercie the



Lord our God wham we sarve hes shawen in delivring ws so farr from them; yet that it may be knawen to the world that our supplications wer just, and that there may be some monument of the wickednes of that Booke left to the generation following, it is very expedient that it be examined heir, that your judgments may be knawen and the reason of your judgements; and that we may goe on the more compendiously, it will be good that there be a Committee chosen also for this. Then the advyce of some of the Members of Assembly wer taken, who all gave consent to this.

The names of the Committie—

Mr Andrew Ramsay,	Mr John Adamsons,
Mr Robert Baillie,	Mr Edward Wright,
Mr Alex <sup>r</sup> Petrie,	Mr John Menzies,
Mr John Oswell,	Mr Sam <sup>l</sup> Rutherford,
Mr Alex <sup>r</sup> Kersey,	Mr John Hay.

The Moderatour said—The Booke of Cannons, Service Booke of Ordination, and High Commission, all of them are to be sighted by yow.

Sess. 9.—Nov<sup>r</sup> 30, 1638.

After prayer to God by the Moderatour,

The Moderatour uttered these words—We trust in God, that the more our good cause hath bein defending, and for which we are now conveyen, is agitat, it shall be the more clearlie seen, and the more to be seen the more it shall be affected, and these that shall see the excellent lusture that shall be on it, shall, no doubt, be enamoured with it.

Argyle said—I have gotten a paper which I never saw before. It is from the Earle of Kiughorne, and, becaus it is a missive direct to me, I shall read it, and desyres it may be kept by the Clerk.

Roths said—Heir is ane uther of that same nature from my Lord Galloway. Lowdown, Yester, Home, went to him, and he spack something before, and we caused put it in writt and sent to him, and he renewed it; quherein his Lordship declaired that he had subscribed the Confession of Faith, as it was professed in the year 1581, and wishes all the Assembly to make it the rule of all their proceedings; and he shawes that they were all wyld in, secretlie, to the Commissioners Chamber, and, being debardit, they subscryvit the proclamation, not knowing what was in it; but, when Galloway heard it, he would have had his hand from it, and, when he saw that he could not get it back, he was so excessively greeved that he professed he got no sleepe all that night.

Then the Earle of Montrois said—That the Earle of Mar had given him Commission to declair to the Assembly, that he had the same meaning in the subscryving of the Confession of Faith; and, quhen tyme was fitt, he would declair it before all the world. Lykewise said the Earle of Mar, he being hardlie pressed to subscryve the proclamation, he refused, and said, he would not declair his Sone a Traitor, who yester night had subscryved the Covenant, and professed to the Marqueis and these who pressed him, that, as long as his blood was hote, he would think Covenanters als honest Men as themselves. Likewise,

Montrois said—That he had Commission from my Lord Napier, to declair to the Assembly, that he had the same meaning in subscryving the Schort Confession, as it was first sett donne. Montrois said, further, my Lord Amont would declair the same before the Assembly.

The Moderatour said—Though we had not a

Nobleman to assist us, our cause were not the worse nor the weaker; but there is occasion given us to blesse God that they are comeing in daylie in throngs.

Then the Moderatour called on the Committie for Peibles.

My Lord Burle answered—Since this charge was layd upon us, to collation the Commission and protestation with the Proces, we find no great reason why the election shall not stand good; and for Mr Robert Elliot, we find, in the last article of the proces, that he did clearlie protest, and that upon good reasons. Ane was, that this honourable judicatorie should no wayes be prejudged in the friedome thereof, in case there were any illegalitie or informality in the election, and that no place of carping were left to our adversaries; the next was, he had some scruples in his mynd anent the illegalitie thereof, of which, after conference, he gat satisfaction, and is content now to take up his proces; and quhereas my Lord Thesaurer was pleased to take some offence at this protestation, and he did it now *de animo*, he is sorie for it, and, if his Lordship were heir present, he would crave his Lordships pardon.

Mr Mathew Brisbane said—I think it should be tane notice of, that my Lord Thesaurer was present at the election, and did approve the Ruling Elders, and came there as ane himselfe, and, in the face of the Assemblie, pleaded for the Commission.

Then the Moderatour called on the Committie for Brechin, who promised to make report to the Assembly to-morrow.

Moderatour said—There were, in your hearing, some Committies appoynted for some materiall poyntes; for considering the Confession of Faith; the Complaint ag<sup>t</sup> the Prelats; the Service booke; the booke of Cannons; High Commission, and Booke of Ordination; but it is impossible to examine thir in so short a tyme, and therefore we passe them.

Lowdown said—Please yow Moderatour, we began to looke upon that purpose, being a matter of great importance, and deserved an accurat investigation of thinges that did passe, espeeceallie, not about the Confession of Faith, which was first made and subscryved at that tyme. We went back, in looking to these registers and Bookes of Assemblies quherein we find the discipline of the Kirk accurately expressed, so that I thinke, if, in Gods Providence, these Bookes had not bein found, it had bein hard for the Church of Scotland; because it is about matters as they wer then presentlie established and concludit. The seeking out of this and the looking over of many Acts, tooke a long tyme; but, on all, we find a great harmonie and cohesione, clearlie set downe, to put out Popperie and Episcopacie. The name is examined; the Corruptions is examined; the office is examined; and their severall considerations tane to many Assemblies. The Discipline, of long deliberation, is sett downe. The Confession of Faith following, is a confirmation both upon the ane and the uther; and the ground of thir hes bein the root of many of our proceedings through this Kingdome, espeeceallie the renewing of the Confession of the same oath first [framed], which I hope will give satisfaction to all men who could not weil understand it before, when they shall take knowledge of thir bookes. We dar not now give out our judgement fullie; but we will goe on in consideration, to satisfie yow all, and we crave your patience to acquyet yourselves in it. It must have long tyme; for matters of so great importance cannot be done but accurately, for every mans satisfaction.



The Moderatour said—It were better not to touth it at all then not to handle it accuratelie and solidlie; yet we allow not the Committies for determination of any thing, but only to prepair matters for the Assembly their judgement, and if need be, tyme may be prorogat further to them.

Lowdown said—God, the Father of light, give light unto it, for it must be the rule of all our proceedings.

The names of the Committie for the Prelats called upon for their Complaints.

Mr Robert Murray said—That the Complaint against every particular Prelat behoved to be tryed, and therefore desyred the Moderatour to intimat to the Assembly, and, if any had information against any particular Dioecesan Prelat, that they would give it in to the Committie.

Then the Committie for the Billes were called on.

Mr David Lindsay answered—We have discussed some particular Billes that came before us, and we conceive this; that where the caus is weightie and the proces red, we think it good that Summonds be directed both for the Pairties and witnesses. There be uthers against whom there is no formall proces, and it will be weill done to heare the judgement of the Assembly anent these.

Moderatour said—There be two sortes of processes: one sort are these which are closed alreadie before the particular Judicatories; I meane the Presbitries from whence the Pairtie are complained upon, who have heard the witnesses and set downe their deposition; and nothing left to the Assembly but to pronounce their Sentence. These may come in pertinentlie before the Assemblie. But for uther proceses that are not concludit, and witnesses not heard, but to be heard, before the Assembly consider whether it be more expedient to send citations to the Pairtie and witnesses to compeir before the Assembly, or if they shall be remitted to their Presbitries, or the next adjacent Presbitrie, as having Commission from the Generall Assembly to put a finall conclusion to them, and report it to the next Generall Assembly.

The question was moved concerning Doctor Hamiltons proces, whether it should be heir agitat or remitted to the Presbitrie, in respect that the Presbitrie had refused proces alreadie, and it was reported that he would goe shortlie out of the Countrie? And therefore it was concludit to be decydit by the Assembly.

The Moderatour said—Lett us come to the third Committee concerning the Service Bookes, Canons, and High Commission.

Mr Androw Ramsay answered—It is a toylesome taske—a Papall Service Booke, anti-Christian constitutions, and a superstitious Booke of ordinations—and will take us eight dayes at the least.

Moderatour said—Ye would consider that ye are not to dispute against ane adversarie, but to make such abridgement of the errours therein contained, as may be seine to such a grave Assembly.

#### [Complaints against Prelates.]

Moderatour said—Ye know there be some Complaints against the Prelats, common against them all—some of them more personall against Pointes of Doctrine and Conversation: As, for example, there is a transgression of these Caveats, and limitations put upon them by the Generall Assemblie when they wer first admitted to voit in parliament. Matters of this kind will be so notour as the Assembly at the reading of the processes, that we will not need great probation; and therefore the Commit-

ties neids not to trouble themselves but in poyntes of doctrine.

Then were the Caveats red.

The Moderatour said—I would wish that uther some of them or all of them had been heir to answer for themselves, and some of them objected, and speciallie Doctor Lindsay, that these Caveats were put upon them, but Assemblies had lowsed them. The Bishop of Sanct Androwes, in a Booke which he calls “The Refutation of a litle booke anent the Government of the Kirk of Scotland,” giving ane answer to that that is against their booke of the Caveats: he says they never had a purpose to keip them, but only to delyver them from the contentions of turbulent men. This is not red that ye should give out definit sentence till the whole complaint be considered by these to whose consideration it is presented; but there may be an abridgement of the Caveats, and particular transgressions of them drawn up.

The Shirreff of Teviotdaile [said]—That these transgressions, many of them be notour to us, yet not to strangers, to whom the relation of our proceedings shall come; therefore it is necessar all to be proven.

Moderatour said—It is objected be these that wrote that litle booke of the Government of the Kirk of Scotland, which was sent over to Holland at what tyme the Synod of Dort was sitting, for weightie Causes and considerations, to prevent evils that might have come in in the Kirk of God: It is said in that booke, that when they went forward, there was protestations used against them. He answered, what protestation they meaned I cannot tell, but for that Covenant wherein they please themselves so much, it was rashly and unadvisedly forged by braine-sicke men, to the destruction of the King and republie, and to the mocking of God; therefore God hes recompensed them with shame and ane unhappie success of all their interpryses.

Then answered ane Mr Law—That he saw him subseryve that Covenant that he had so traduced. Then some said that things alleadged against the Prelats which seemed most evident neided not to be proven.

Moderatour said—*Abundantia juris non nocet*; and it is necessar when a nation or Kirk would make it manifest to the world the lawfulness of their proceedings, though it were never so notour to themselves.

Moderatour said—We have not farder to doe till the Committies have tane paines and presented their labours to the Assembly. For the present ye see they are relaxed from that limitation in the Assembly holden at Linlithgow 1606 and 1608, and at Glasgow 1610. There are something heir in a paper given in to be considered by the Assembly, concerning these forsaid Assemblies, together with the Assemblies at Aberdeine 1616, at S<sup>t</sup> Androwes 1617, at Perth 1618. These are the speceall Assemblies they trust into, and these are the Assemblies that hes wrought this Kirk meikle woe. It is not unfit for yow to heare them in the minutes of the proceedings in the Assembly 1616. The Bishop of S<sup>t</sup> Androwes changed the Acts with his awne hand on the margine, deleiting and adding acts quhercof some wer against Papists. The hand writt was seene by severall of the Assembly, who constantlie affirmed, on hazard on their life, that it was his hand. Some declaired that when the Bishop of Murray said to ane uther of the bishops, “we will tyme the field,” he answered, “I shall devyce a vyce—we shall give idle Ministers ane war-rand;” and so they sent for the number of 36, that



were not Commissioners, and delt w<sup>t</sup> them for their voices; and they put out Commissioners whom they suspected and put uthers in their places, and sundrie that were Commissioners were not ealled on, and the Moderatour said in face of the Assemblie, "I will committ twenty prejudices to please the King."

Mr David Dalgleishe said—There was neither booke nor Bible opened; but the Kings Letter was read at everie Sessioun immediatl<sup>y</sup> before the voiting; and in the tyme of the voiting, Waughtoun said they sett doune the names of some who came away from that Assembly, quhereof I was aue.

Mr James Bonar said—He called on all these first that he knew would voite with them, for he had a croce upon all their names, and lykewayes he said that a number of voites should not doe the turne, for these articles should be proclaimed at the Croce by sound of trumpet.

Mr James Cunninghame said—When I desyred Zancheus to be produced for a testimonie, all the Bishops said the King was more learned than ten thousand Zancheus; and he threatened continuallie with banishment, imprisonment, and deprivation; and they put all their names together whom they knew would voite for them, and resolved to gar them goe all in a hurle together, quhilk they did quhill Mr John Martine turned the chase, and this they did to weaken the hands of many.

The Moderatour said—There would be a Committie appointed for the considering of these Assemblants, for it is a poynt of no small importance.

The names of the Committie—

Earle of Home, Lords Sinclair, Yester, Balmerino, Compar, Cranstoun.

George Gordoune, Mr Thomas Ker, Lamington, Barclay, James Sword, George Jamesone, Thomas Durie, Andrew Baird, Mr John Robisone, John Maitland, Mr James Scharpe, Richard Ingles, Gilbert Murray, W<sup>m</sup> M'Kenzie, John Rae, John Robertstone, John Ker.

Sessio 10.—Primo Decembris 1638.

After prayer, the Moderatour said—Ye know a great pairte of these affaires to be agitat this day, was committed to some worthie men upon a Committie, to be presented to your view—such as the Confession of Faith, the Complaint against the Preiats, the matters of the Service Booke, the auctoritie, or null auctoritie of the Assemblies; and we tooke this little tyme to heare some particular complaints against some ministers, especiallie these who have their proces elosed alreadie, in a manner, and nothing left but the sentence and determination of the Assembly; for they must be viewed by you. We should do nothing without a warrand; and I doubt not but ye are better acquainted with the warrand and ground of our proceedings nor I can expresse. Ye knowe there is no familie, nor hous, nor republiek—no eitie, no kingdome, or corporation—nor any humane societie, that can subsist without order; and, in the midst of the world, where the Divell is opposing, and corruption mightilie working, we may be assured that the integritie of the Word of God cannot stand without Government and ecciesiasticall discipline. Our Lord gives it the name of the Keyes of the kingdome of Heaven—a glorious name, indeed; and the Apostle, 1. Cor. 5., calls it a power committed to the Kirk, not for destruction, but for edification. In the nature of it, it is not so much magisteriall as

ministeriall power; and, though the power be great it is principally in his hand who is Lord and Maste of the house—the Son of God, who hes absolute power; and we are but his ministers and servants. Ye know it is requyred in a servand, and especiallie in a steward, (and we are called stewards and dispensatoures of the misteries of God,) that they be found faithfull. We must stryve to approve our selves in the Masters sight, who is sett over the house. The power committed to us is very great, if we consider the effects of it. Mathew, eh. 18. the effects of it are set downe. If we proceed in sentenceing of a man, especiallie if we goe on that far as to excommunicat him, he against whom the sentence is prononneit, is counted a publican; or, if ye looke the Apostles word—more: he is given over to the hands of the Divell: he is put out of the Kirk; and, although it be horrible to think on such a thing, yet the fruites of it are sweet—for God heirby is giorified; for surelie, in despyte of the world and the Divell, he will be sanctified of these that drawes neare him. The terrible example of Nadab and Abihu is a suffieient document of this. Ye know the Word and the Sacraments are holy and sufficient meanes to convey grace. They should be purged of inventions that men hes put upon them; and sicklyke that Gods house should be purged of scandall and leaven, and these also against whom the sentence passes, if they be not in a damnable caise and incorrigible, it serves for the subdueing of the fleshe and wakening of the spirit—if there be any such distinetion to be made between the fleshe and spirit. This is the last and most extreame remedieto subdue the fleshe and waken the spirit. So it is necessar, that we now assembled in Christs name, so solemnlie and so weill warranted, goe on with auctoritie; for, though we be weake and unworthie instruments, we must consider what keyes he put in our hands, that hes the keyes of the house of David, that shutts and no man opens, that opens and no man shutts. I may give you assurance, in the name of our Lord, that if we goe on as we are warrandit by Him, without partialitie and respect to men, but having respect to the honour of God and weifair of this Kirk—if we goe on with sentence and excommunication, that which we doe on earth he shall ratifie in Heaven, and we shall be all witnesses that he shall ratifie the same. If there be any of the particular Complaints that are to be given in, let them be presented heir, to be red be the Clerk.

Mr David Lindsay said—We have met, and thir processes which are dedueit and concludit we have sent the formalitie; and such as we produce heir, according to our judgment, are of weightie causes, and formerlie dedueed. Uthers complaints are considerit by us, and we have advysed and tane this course, only to advyse them before what judicatorie they shall not intend proces; and if the Presbitries where they dwell be competent judicatories, let them goe to them; and if not, let uther Presbitries be joyned to them. Heir is ane proces against Mr David Mitchell.

[Case of Mr David Mitchell.]

Moderatour said—We should have heard truelie with regrait of their persons—yea with joy when we see the Lord putting to his hand to purge his awne house.

Then was the proces red against Mr David Mitchell.

Then Mr Henry Rollock said—It may be thought that he should now have spoken more of that kynd; but truelie, till the last day of his suspension, he



was bussie therein; and some pointes of doctrine came to our knowledge after the proces was closed—namely, that it was an abasement for kings to be subject to the Word of God; and when he wrote to us, he carried so much neglect to us, that he called us not brethren of the Presbitrie, but brethren of the Exercise of the said judicatorie—alluding it was *nomine tenus non re*. Lykewise he hes deyled the Assembly; but, indeed, it wer a pittie of him, for utherwayes he hes good partes.

Rothes said—Bellerminc had good partes; but he would be an evill Minister for the Kirk of Scotland.

The Moderatour said—There are two sortes of Arminianisme. One is that which hes troubled the Low Countries, and hath spred itselfe so farr, and that is nothing but the way to Socinianisme, and *Socinianismus inchoatus* is *Arminianismus consociatus*. Certainlie no man that will consider aright of the poyntes of Arminianisme, but he will see more uor the seids and grossnesse of Socinianisme. There is an uther Arminianisme mentioned by some in England, and uthers in Scotland, and that runs in auc uther way—it runs to Papistrie, and is *inchoatus Papismus*; and if ye consider this, how our doctriue, and the particulars of our Confession of Faith, taught by the Ministers of the Kirk of Scotland since the Reformation, how thir pointes began to be depraved by Arminianisme, and poyntes of Poperie, joynd with their poyntes of Arminianisme, and next consider how that the externall worship of God was in changinge by the Service Booke, I see nothing deficient for the whole bodie of Poperie but the Pope himselfe—Conversion of a Sinner—universalitie of the matters of Christs death—justification by workes—falling away of the saints; and then, if we had receaved the Service Booke, what difference had bene 'twixt the Roman faith and ours, if we had subjected ourselves to the Pope? I say it, that we may ackuowledge the goodnes of God that hes thought good to visite us thus with so sensible an opportunitie, that if we had gone on, our case had bein so desperat and miserable, that none of us can conceave: but great is the Lords mercie; and we have all of us reason to make good use of this good occasion, quherin sick evils may be prevented in tyme. We heard the proces, and we desyre not to proceed to the sentence this day; but we will heare the judgement of the brethren.

Then was Mr David Mitchell called upon.

The Moderatour said—We have to consider that this Kirk hes not been acquainted with Censures of that kind, blessed be God! Howsoever, there hes bein a great and lamentable schisme in this Kirk these many yeares, yet few poyntes of heresie could be objected against any of this Church who were verie free of it before; therefore no marvell is that we Ministers and Elders be not so throughlie acquainted with their differences as utherwayes we would have bein: but since the matter is gone so farr on, and corruptions are vented so braid and wyde in this land, it were meet we were acquainted with them that we may discerne betwixt truth and errour, light and darknes; and if it seeme convenient to the Assembly, it is good that some Ministers that are best able make some discourse of this matter, especiallie to shaw what we hold with the reformed Kirkes, which hath bene so publictlie contradicted by thir preachours, and how their tenets contradicts our tenets as the reformed Kirkes. I know there is an uther proces against some uthers in Schooles of Divinitie that hes the same poyntes, and uthers preachours lykewayes, and it would seeme to have bene done of purpose, and

that they are all joynd in ane combination together for venting such poyntes of doctrine; for there is come doune some poyntes from England, which were holdin to be the tenets of a great learned man, and thir preachers seemes to be his schollers.

Then said the Moderatour—Let us heare some moe two or thrie Billes.

Then there was red against Doctor Panter, Master of the New Colledge of St Andrews, containing many erroneous and Papisticall poyntes of doctrine.

Then there was read a proces against Mr Alex<sup>r</sup> Gledstanes, Minister of St Andrews.

Then the Committie for Din and Carnaigies Commission was called.

Mr James Bonar said—If we find that if the last election had not intervencd, the first had bene good; and if the first had not proceedit, the last had bein good. The first wants ane act of the Presbitrie and their Subscription, and so it wants the formall poynt but gives commission; and the uther hath proceedit from ane desyre to be electit.

The Moderatour said—It were les prejudice to want the voices of them both, then to doe auy thing that may prejudge the Assembly afterward.

After lang controversie to and fro about this particular, the rows were called, and the Assembly voited that neither of them should have voite.

Sess. 11.—3 Dec<sup>r</sup> 1638.

After prayer made by the Moderatour,

My Lord Argyle said—Ye remember heir I made protestation that nothing might be done that might seeme to wroug Sovereigne auctoritie; for albeit I be not a Member of this Assembly, yet I have leive to represent my opinion; and truelie I will say, I know no better way for you then every way to cary yourselves modestlie, keeping all dutie and respect to whom it is due. And I remember of a good passage—*si tacitus possit corvus*, &c.—therefore my humble desyre to you all, and especiallie to the Ministerie, is, that ye be very spairing to meddle with the Kings power and auctoritie—not that I suspect any, but that I hope all knowes what is my meaning. They are wise I hope who are entrusted in this worke, and knowes what is their duetic to a good and graceous King; and I trust our Master will be wise in his commands, and so there will be the lesse neid to meddle with any thing of this kind; therefore take this advertisement from me, least any selander be layd on this bussines. I am very spairing to insist; but what I have said it is out of affection to the caus.

Moderatour said—We are obleist to the goodnes and providence of our God that hes given unto us so wise and honourable a Member to sitt heir to give tymous advertisement concerning our ductie—perhaps rather to prevent that which might ensue nor to censure any thing that is done; and surelie we ought to consider, that, altho' the Kirk of Christ, especiallie assembled in ane counsell and such ane Assembly as this, hath very great power, yet they should very weill observe the limits of their power; for, first, altho' we have power to judge betwixt true and false doctrine—altho' we have power also to consider the mater of the Sacraments—the sealles of the doctrine of the life and manners of men throughout the kingdome, and of the maters of the Policie of the Government of the Kirke—yet our power is not autocrastical but ministerial and subordinat, and ought to give the Lord his owne soveraignitie annexed to him, and to give every one their owne place. Let the Lord have the first



place—we will not give his glorie to another ; and let Cæsars have their owne places. And surelie he thoelt I spack very distinetlie of this purpose that said—“ God or his Spirit, speaking in Scripture, is the judge, and that the Kirk is not judge but index, and that the Christian Magistrat is Vindex ; and so give every one his owne place.” The judgement of Soveraigntie and absolute jurisdiction belongs to God ; and this is that great Soveraigntie which must keepe us in the right way, without the which our sillie witts would wander in the bypaths of errour. Since it hath pleased Him to manifest his will in his word as if he were among us and we heare his voyee, we should stryve to decerne his voyee, and governe our proceedings thereby. Next for the Magistrat—he is the keeper of both the Tables, and ane avenger of the breakers of both ; and we are not to judge so uncharitablie and so unreverentlie of our superiors, especieallie of him who is in the highest place above us, that he will usurpe any thing propper to the Lord, who is only absolute Soveraigne. It becomes us to content ourselves with the interpretation of Scripture, or with the indications of it as that word which I already used imports ; and for that which my noble Lord hes bein speaking, it becomes us to think reverentlie and speake modestlie of superior powers ; and I am sure there is no subject but they will be more carefull to take heid to their words and wayes both in pulpits and other places, nor if the Kings Majestie were present himselfe. I remember of ane example of ane worthie man in this Kirk who did oftentymes preach in the presence of King James ; and when the King was absent he alwayes spacke with greater reverence, and recommended subjectione and loyaltie to all subjects ; but when he was present, he told him all that he heard of him ; and I wish all of us would carry us so ; and altho’ his place or his Commission be emptie, let us thinke and speake as if one of them were into it : let us carry ourselves as in the sight of God and of our Conscience which are both ane ; for seeking the approbation of a good Conscience we approve ourselves to God, and next in his Majesties sight ; and we need not thinke that the wordes that are spoken heir will [not] be caried to him with a worse sense put on it. If his Majesties Commissioner wer heir present there neidit no report ; but since it comes to passe that things are made worse, we have so much the more to take heid to ourselves : and I hope of the Spirite of Wisdome and Pietie, which teaches all loyaltie and subjection to superiour powers, shall so direct us as there shall be no caus to censure any man justlie.

You remember, right reverend and weil-beloved, there were some thing spoken heir be occasions of a particular complaint given in against Mr David Mitchell, for mentaining poynts of Arminianisme ; and we desyred ane of our reverend brethren to speak somewhat for refutation of that errour.

[*Arminianism discussed.*]

Then Mr David [Dick] raise and spack as folowes :—The taske is large, the tyme is short ; therefore I will sett myself to as little tyme as I can ; only I would have this preface in the beginning, that we would all labour to have errours in als great detestation as any corporall vyce ; and doubtlesse, if our eyes were open to see the bewtie of trueth and the good fruites of it, and to see the vyldnes of errours, and the fearfull consequences of it, we would need no exhortatioun of this sort. For the preaching of errour is like the selling of poysoned

pestied bread, that slays the eater of it, and infects with the breath every man that comes neir hand ; and albeit the Lord hath brought in wholesome food in his house, and hes held his table long covered, yet the malice of Sathan, and the bussines of the Pope to recover his Kingdome, and the dalliance of worldlie men, hes sett instruments on foot to trouble our Church againe ; and God, in his deep wisdome and justice, hes suffered the matter to goe that farr on, that we might see what a fearfull sin it was to put the keyes of the house of God in wrong hands, and what evil freicks, errours in discipline would bring forth, and also that he might punische the unsanctified and proud witts of men that would take upon them to governe his Kirk, as also he would have these ministers in this land corrected for their negligence who are like the rest of the countrie, who thinkes of armes whilst they are in peace. So have we done. In tyme of peace, we were all secure, and dreamed not of straites, and studied for no more but to get ane sermone in the week ; yet blessed be our God, who hes also many painfull and faithfull servands as will be sufficient to cleare his trueth of his Kirk against all that will say the contrair.

By the power of Jesus, I will take up my speach in thir heads. First, I will lay out their errors in 4 heads ; Secondlie, I will lay out our doctrine in uth 4 ; then, Thirdlie, I will lay out before you the cullours they use instead of probation ; Fourthlie, then I will lay before you some maine reasons which are the cause and ground of all the errours, and the grounds whereupon the dispute runs wrong on their syde ; then I will shaw you the bulwark wherein our strenth stands ; Lastlie, I will answer some objections, and so close. For the trueth of our doctrine, I will content myselfe with a place or two, and is in the hinder end of the 52 Isai, and 6 of John, 29 v<sup>se</sup>, which is sufficient for a confirmation of our all doctrine against all Arminians.

(1) For the first, The Arminians they grant ane election ; but such a ane as makes man to be a chooser of God, and not God to be chooser of man, that by their course God shall choose a man 20 tymes, and refuse him or reprobate him 21 tymes, and the man to goe to hell in the hinder end.

(2) For the death of Christ they make a great bussines for it, as if they were the only men that knew to extend the worth of it ; but it comes home to this :—Christ layes doune his blood, and buyes no waires bot a possibilitie of some mans salvation—that is to say, they extend his death in drawing on of a bargane betwixt God and man, to put man in the termes that Adam fell into, that man may take a new essay of himselfe, by the force of universall grace, to hold his feet where Adam fell.

(3) There is concerning mans conversion, wherein they would seeme to plead for themselves, that they are seeking no more but to make man to be no stock nor block, and if they had no further, we should easillie grant that he were not a stock in his conversion ; but he is a quick divell, and when it comes to the upwith, heir doe they schoot to put all the matters in mans awne hand, that God shall be the giver of abilitie to convert by giving the man a power of frie will, but the man shall have the glorie to turne himselfe to God or receive grace.

(4) For the last and fourth poynt ; they sever poor simple man, and settis him alone with the staff of his frie will tottering in his hand, and the Divell, the world, and sin tempting him ; and then they dispute with him, saying, that there is no assurance of perseverance, and that the saints may fall away and all the rest of it, while, as they should joyne all



his helpes with all his hinderances, and should put him in the hand of ane cautioner and guyd to teach him and correct him, and raise him up when he is fallen.

These being their four errors, I oppose to them the doctrine of the Kirk of Scotland, whereof we may all thinke good the day, and thank God most heartilie for it; and seeing I have gotten leev to speake, I blesse God in Jesus Christ our Lord, that evir looked upon the Kirk of Scotland, to give us a doctrine that will not suffer itself to be disgraced by errors or false doctrine, but will take the place of it in the hands of weake Ministers who will not boast of their learning, but whose glorie is simple trueth; and in that we will glorie more nor in all the learning in the world, finding ourselves guarded against all the Scribes and disputers of the world, since they have the trueth of Christ in simplicitie according to the word.

1. We give this for our doctrine out of the word of God—That there is a number severed out, in Gods speceall purpose, from the race of mankind, and advanced above the state of nature, to the estate of Grace and Glorie, by a speceall designation, and that for no foirseene good workes in the man, but for his free Grace and good purpose who helped to make the man, then to put the saule in him, and then to put such and such graces in his saule, and restoir what was fallen in him, and so make him doe good workes. This ground is cleare from Scripture. Ye know he will have mercie on whom he will, and whom he will he hardnes; for he is a Sovereigne Lord, and, of his owne workmanship, he can advance ane pairt higher of it then ane uther, and doe no wrang to the rest.

2. For the matter of Christs purchase by his death, we teach that our Lord made no blind blocke, but wist weill what he bought, as the Father wist what he sold; and had his sheepe before his eyes and was content to lay doune his lyfe for them; all thinges that belongs to lyfe and Salvation he layd downesuch a pryce to the Father, and declaired, by a voice from Heaven, that he was pleased with it—"This is my beloved Sone."

3. For conversion we say, that how quicke, how reasonable soever a man is in the houre of his conversion, considering him as he is, a naturall man and so wicked in himself, that there is so much power in the Gospell of Grace, the Spirit of God concurring therewith, that he is able, not onlie morallie to perswade and convince the man, but effectuallie to induce the mynd of him—keeping himselfe still in a freedome of will, that most willinglie and frielie makes the man turne unto God, and to take his Mediator and God in his armes, who before was in the armes of Sathan.

4. For the fourth we say, that, albeit it is true there is nothing vainer nor man—nothing lighter than he—he being laid in the balance, and nothing fickler nor he, for at his best estate he is altogether vanitie—yet He that hes bought himdeare will never leave him nor forsake him. That man that he has begun to take be the heart, and to speake to as he uses to doe to these quhom he setts his mynd upon and calls according to his purpose, he so admonishes him, reproves him, corrects him, and causes him to eat the fruit of his owne wayes in cace he deborred, that he causes him cast all consolations from himselfe—from men—from the world—from sin—and makes him faine to ereipe in under his Lords winges, and bringes him through all doubts, and rubbs difficulties and temptations, and never leaves him till he sett him before his Master and Lord.

Now, their cullours are chiefly thrie—first, from

Scriptures, rent ane of them from ane uther, as if there were no Scripture but that text quhilk they would seeme to prove their errours by, quhilk text of theirs being compaired with uthers, is our doctrine; and by soe doeing they deale lyke sophists rather then telling the mynd of the Spirit of God, who tells not all his mynd in ane sentence, but must be waited on till he tell his last word; and reason it be so—as, for example, when the matter of mans salvation and conversion is spoken of, to say the Lord sweares he loves not the death of a sinner, and we oppose to them ane uther Scripture, that he laughed at the destruction of the wicked; where they take the ane place and not the uther, and takes not that quhilk agries with—but he rejoyces at their destruction—not as it is a destruction of the creature: but when man wilfullie rejects grace and mercie and scornes God, it is righteous w<sup>t</sup> God to rejoyce in his destruction when the man will not rejoyce in his mercie.

Ane other of their cullours is a number of calumnies of our doctrine, where before the ignorant and unlearned, that understands not what we teache, they seeme to speake to them with some face, as if our doctrine did open a doore to sin; whereas howsoever as in other professions there are too many prophane among them, if all of them be not so, yet amongst us, the doctrine is not such that if any man be prophane or abuse the trueth that is spoken, he beares the blame himselfe and not the Lord.

Their third cullour is plausable humane reasones and discourse, drawn from the corrupt judgement of unsanctified men—as if men wer to sitt downe and lay the platforme of his owne Salvation, and not to leave it to the Word and to the Lord; but humane reasones shall prove a foole when it comes to the contrare of these two.

The grounds of their mistaking are thir—1. That they confound the decret of God concerning the last end of man with the maner of the exeutiones of the decree of the meanes: as, for example, they draw all their objections from the matter of Gods treating with the Visible Chureh, wherein God takes up the ridle and seif and fyne of his promise and commandments, threatenings, and conditionall offices, and sifts out the man that is his owne, and leaves the rest unexeusable. They draw out a decret of this, as if God had been unresolved when he began to speake conditionallie to man—as if there had beine no more determinat concerning the man he had a purpose unto, nor the preacher that must speake to every ane of his auditours; and this error drawes verie deepe, for they make Gods decret, reducit according to his frie will, layes Gods decret by, whill man falles in his lappe, and so makes God resigne his Soverainitie, whill the end of the world they make man goe and God to stand by: for man will guyde the matter of his salvation by his frie will, and so they make God a spectator or a furnisher of directions only as he is called by the mans frie will. God comes in at frie-wills back and furnishes directions, and frie-will determines; and so they give a Godhead to frie-will, and makes God resigne his Soveraignitie quhill doomsday, and only now coming in at the back of free-will, following the designationes of man.

Ane uther reason of theirs is this—that they extend the death of Christ only to a possibilitie of the salvation of all men, and to the possibilitie of the salvation of no man—making Christs death to have the oune operation suffieientlie, if Christ facilitat the way betwixt God and man; howbeit, Christ never got a man saved nor ever eat the fruit of his laboures, whereas our Lord was never so evill a



Merchand as to lay downe his lyfe, and never will therefore, nor sick a foole as to make a bargaine whilk might be suspended by mans fickle frie-will, who hes that much prudence that he forsee a losse or danger he will governe it.

A third error is this—That they think Gods effectuall working in the conversion of man cannot subsist with the reservation of the nature of his owne frie-will, even as if the saints in Heaven, and the spirits that are perfyted, and Jesus Christ our Lord, in his manhead, had never done, nor could never doe, a turne but of neecessitie, and nothing of frie-will; for, except they got this soveraigntie to mans frie-will, if the will of God overrule him, and determine him to doe good, presentlie they ery out, he's destroyed the mans frie-will; as when a man preaches morallie to ane auditour, leaving nothing uddone to persnade them by his word, he hes left their freedome never a straw the less.

Aceording to the Popish and Arminian grounds, the man being left standing his alone, he must fall away from Grace; for sure Christ hes done all that can be done by a Mediatour, and then only stand besyde as a spectator (as they say.) I wonder nothing that they speake of perseverance as they doe; for if the world were left to us our alone, we would fall in the myre; whereas, in the perseverance of the Saints, the man and the master goes together—the debtor and the eantioner goes together—the eaptaine and the souldiour goes together—Christ and the man never sheds; and howsoever we grant that without Christ we can doe nothing, and that if there were no more nor our strength, all would goe wroug; yet, with Christ, we are able to doe all things, and bring any thing about that he is to imploy us in.

Their maine error is this, (let me speake it with reverence towards your learning)—not knowing the Scriptures, and the power of God in the matter of the Covenant of redemption betwixt God and Christ; yet there is enough of it in the Scripture. They pointed at it themselves, which, if they should have followed, they might sein all their matter in the midst; for the Covenant of Salvation betwixt God and man is ane thing, and the Covenant of Redemption betwixt God and Christ is ane uther thing. The Covenant betwixt God and Christ was done and endit before ever there was a word of it in the world; but the Covenant betwixt God and man is by the meanes of the Mediator, which makes all sufficient, and he is our strenth and bulwarke; and when all their objections are made, we steppe to our Magna Charta, and where we can get any gripping we hold it fast, to wit—the Artieles of a Superior Covenant made by Jesus Christ, our Mediator and Advocat, in which there are artieles contradictorie to all Arminians, that so there shall be no more possibilitie of the breaking of these Articles, nor of garring God and Christ faill. When an end of a bridge falles, the uther must fall with it; so when our frie-will is the ane end, and Christ the uther, then must it stand; and heir, I say, is our bulwarke.

Their generall objections are three. The first is, that our doctrine is not good, for we terrifie them, telling them that God has a speeiall election and speciall reprobation; and our doctrine, say they, is not good for tender consciences that are converted. We desyre no better answer for the tyme, nor retort their objections back againe upon them; and we say that their doctrine is not good for Conversion, becaus they keepe the man unhumble and unpenitent. They never gar a man say, "I have no strenth nor abilitie to doe any

good to my selfe—Lord amend me!" But they keepe a man from denying himselfe, and how shall follow Christ? But our doctrine layes man in the dust, and garres him peepe of it: and so our doctrine for conversion is very fitt; and if our doctrine prevaile that farr with any man as to garr him grant that he hes nothing, then presentlie our Lord keepes him, and gives Grace to that unworthie bodie. Every man that takes with his sinfulness, our doctrine pulles that man in the armes of it. I say more: our doctrine drawes any man fra that—"I will not be saved albeit God bid me," but garres him either come to a note, or professe himselfe to be hypoerite; and for these that are tender and weake, he caries the matter so, that he will not breake the bruised reid, if he grant he hes inlaiked and would be helped of yow, but if (a would be helped) he keepes him, and proppes him up on all hands. Upon the uther hand, our doctrine will not let a man lay his platt upon Heaven: that is, not in the way to it. It will not let him say he is a believer, except he be labouring to worke by love, and expres his faith be his obedience; and we retort this upon them, for they say it is in the mans power, when, how, and in what measure he will determine what he pleases; and so a man may say, "I am young, and I may delay till death comes, for it will come not so soone but I will get halfe an houres advertisement;" and so their doctrine opens a doore to siuining rather then ours.

Now for the grounds. Looke what the Scripture says for us, and that will settle the bussines. The last part of the 52 Chap. Esai—"Behold my servand shall deale prudentlie; he shall be exalted and extolled, and be very high." There Christ is called the Fathers servand, becaus he was designed to take on our nature, and to bring in the Elect Children. It is said of him, that he shall deale prudentlie—he shall keepe up the doctrine of electione and reprobation, so that never man shall get the doore dung in his shafts that would be in, but does good to all, to the kind and to the unkynd, and layes no stumbling blocke before them that perishes. No man shall ken the reprobation of any; bnt election shall have many markes, whereby the man may elimb up to the Palace, and by tyme read his name in the Booke of Lyfe. How will this matter be brought about, his visage was so marred more nor any man? They say that indeed Christ will get a blecked face by the gate; and he get this done, he must waide the glarre myre of our sins and the punishment thereof. Our Lord got his visage marred; but what will be uncertaine of recompence? This it was told him 5000 yeares agoe, that he should be exalted, extolled, and be very high, and that kings should speir for him. Take yow all good heart. The caus that we are about the day, Kings shall speir for it, and shall be forced to heare it in due tyme, by Christwise bringiug about the matter; and becaus men would thinke this universall, he tells in the beginning of the next chapter that it was for none but these to whom the Lords arme is reveilled. The reasons wherefore the reprobates would not believe:—he tells us there are some wicked persons, who, tho all the miseries were before them, and wer dealt with by never so many arguments to turne from their former wickednes, yet they will not leave their owne wayes, but wilfullie choyse the wayes of death of their owne accord. And (John 6) our Master telles—"All that the Father lies given to me shall come to me; and they that comes to me I will not cast out, but will raise them up at the last day." He must keepe not only your soules but your bodies, yea, and your very dust, and shall



never be tane aff the hand of the Sone of God til he render up the Kingdome to the Father.

Now I will close my Speache. By all meanes lett Christs parte in the Scripture, and the thinges that concernes his kingdome and persone be better studied by us; lett this Covenant, made betwixt God and Christ, and betwixt God and us through Christ, be better studied; for since the whole Byble takes the denomination from this Covenant, it is recommended to us to studie it better, where ye see our Lord hes tane course to make all thinges fast, and hes so wiselie expressed in the Scripture, that no man shall have leave to presume to despair, to be profane or abuse the doctrine of Grace upon any just ground.

Now for the theses. They shall be given in write ryplie at a convenient tyme.

1. There is a Covenant of redemption betwixt God and the Mediatour Christ, preceeding the Covenant of Grace and Salvation made betwixt God and the faithfull Man through Christ, which is the ground of all this treating that God hes with Man in the preaching of the Gospell.

2. In this Covenant of redemption betwixt God and the second persone, designed Mediatour betwixt God and Man, the elect wer designed and condescendit particularlie upon their number and names, with their gifts and graces of grace and glorie to be bestowed upon them, and the tyme and meanes to bestow it, was all condescendit and agreed upon.

3. The pryce of the redemption, what and how much should be payit by the Redeemer for the purchase of all these gifts, how lang he should be holden captive of death, &c., all was determined.

4. The Mediatour was made sure of succes before he pat hand to the making of the world; and all the elect were given to him and their salvation put in his hand, with all power in heaven and earth given to him to bring it to passe; and so he is sure to find out the man to perswade and convert, to lead him through touches and temptations, through fears and falls, till he bring him to peace; and this refuge of the soule is a sufficient post against all Arminians doubts.

5. He manadges this matter in the dispeusation of the Gospell so wiselie, as it gives no man any reasonable ground either to presume of Gods mercie or to despair of Gods grace; he tempers it so that the holiest man shall have no matter of comfort except he walke in the way of holiennes, and the wickedest man shall not be put out of hopes but to be received whensoever he will turne in to seeke Grace, and lyfe, and holiness in Jesus.

Then Mr Androw Ramsay was desyred by the Moderatour to speake somewhat of that subject.

Mr Androw said—I have nothing premeditat; but this shortlie, *ex tempore*. The question betwixt us and the Arminians are thir—1. Whether our salvation runs upon the lingers of our owne will or upon Gods grace? Our salvation is considered in five respects—1. As it is ordained; 2. As it is purchased; 3. As it is offered; 4. As it is applied; 5. As it is perfyted.

First, as it is ordained, it depends on God, according as he forsook mans warkes, (as they say,) and swa to depend on mans will. Some, he saw their warkes would be good, and he choosed them; some he saw their warkes to be evill, and he rejected them; and so they make the first originall chartour to depend on mans will, salvation being ordained.

2. Then it is considered as purchased, either

actuallie or potentiallie; potentiallie, as Christ died for all; effectuellie, as it depends on our will; actualle, he died for all. Who would receave his grace should be received, and who rejected should be damned.

3. As it is offered by God or accepted by us, it depends on mans will.

4. As it perseaveirs, it depends on mans will; and so they make his whole salvation to depend on his will. He elected us becaus he saw our will that we would accept grace, and died effectuellie for these whom he saw would accept grace, and that he would offer grace to such as he saw would perseaveare.

(1) We say it depends upon Gods grace, and that he elected such and such to salvation when he might have condemned all.

(2) We say that Christs sacrifice was not offered for all, nor for one of the reprobats.

(3) That the effectual calling of man, when the Lord offers grace, the man may potentiallie reject, but not effectuellie; for he writts the law in his heart that he can reject it.

(4) It stauds not by mans will, but by Gods grace; so the Arminians question our salvation in these poyntes, and says it depends on mans will. We say it depends on Gods grace. Our reasons are these—1. If it depend on mans will, and not on Gods grace, then Christ had not said, “I thank thee, O Father, that hast hid these things from the wise and prudent, and reveiled them to babes; even so, Father, because it was thy pleasure.” 2. If our salvation dependit on our will, then grace should depend upon nature, and should be a subservient caus to nature. 3. God, who is a independent being, should become a dependent being; for, if his will dependit on man, then Gods will, who is independent, should become independent. 4. Last, it is against that action in the schooles: for *actus secundus* should be *prestantior primo*; and so they give all the glorie to man, and we give it to God; and we have the consent of all the antients, and the whole Roman Kirk, (till of new some Jesuits has risen up,) that our election depends on Gods grace.

Then the Moderatour said—We have reason to blesse the Lord for his graceous providence, that, before this errour spread very far, it hes pleased him to nippe it in the bud; and God be thanked, who hes raised up some spirits in our tyme to acquaint themselves with this errour, that they are able to refute it. I have some tymes hard that there be two very small poynts, as would seem, wherein this great errour does consist. They are like two grammarians: the one is, whether the word Elect, or, in Latine, *Electi*, is *nomen* or *participium*. The question is, whether we doe believe, becaus we are chosen to faith? They say God chooses men because they believe. We say this—That we are elected comes from Gods free grace. There is an uther word about the signification of *ante* and *pro*. They take *pro*, that Christ hes died, *pro omnibus*, for the belove and benefite of all. We say that it hes ane uther signification, *vice omnium*—I meane as Scripture takes it—that is, for all sortes, and if it be tane *vice electorum*, they must be saved in whose place Christ hath died.

[Bishop of Orkney's Submission.]

After that there was ane Letter from the Bishop of Orkney, and produced by his sone, wherein he submitted himselfe in all respects to the Assembly.

After that, Sir Archbald Stewart of Blackhall, as Counsellour, declaired, by Mr John Hamiltoun, his



Minister, that he subservyed the Confession of Faith, as it was first subservyed in the year 1581.

After that, a young Gentleman, of excellent pairtes, called Mr Jo<sup>n</sup> Forbes, brother-German to Craigievar, who had bein in forraigne countries, and in ane Universitie in England long, and drank in the love of the customes of these Churehes, and, after he came to Scotland, was confirmed in the lyke opinions in Aberdeene, by the Doctores there, and came onlie occasionallie of purpose to have stayed but ane night, and then retired to Ireland; and, seeing the progres of this Assembly, it pleased God so to worke with him that he was enamoured with it, and, contrare to his former resolution, came in before the Assembly and subservyed the Covenant.

*Mr David Mitchells deprivation.*

Then was Mr David Mitchells proces red, and the Acts of the Kirk was red in the caces of deprivation.

The Moderatour said—There is a difference betwixt the censures of the Kirk of England and ours. They make a difference betwixt deprivation, deposition, and degradation. They say, deprivation takes away his benefice, deposition his office, and degradation, according to the Priests of old in the Bookes of Martyres, were degradat when they made apostacie from the Roman Religion; and they mentained, with the Papists, that, notwithstanding of all their Censures, there remaines something which they call *character indelibellis*, which is a certain impression put upon the saule of a man when he receaves ordination; but they themselves cannot tell what it is. But censures usit in our Ministers, beside admonition, ar suspension, deprivation, deposition: Suspension for a tyme from exercising the function of the Ministerie; deprivation and deposition we take to be ane, becaus, when he is depryved of his benefice, so of his office. There is ane of thir censures already put on Mr David Mitchell, Minister in Edinburgh. Now ye have to consider what ye have to doe further. Ye have heard the proces, and he has deelyned the Assembly, contrare to the Act of the Generall Assembly at Sanct Androwes, the year 1595.

Then the Moderatour asked Mr Robert Douglas opinion, who answered—He is clearelie conviet of Arminianisme and many Poyntes of Poperie, and the Censure of the Kirk is deprivation for his false doctrine, and excommunication for deelyning the Generall Assembly; therefore, I thinke this Assembly should extirpat such birds, least the Kirk receave prejudice heirafter.

Mr Androw Ramsay said—That he promised to forbear such doctrine, but did it not; and not only deelyned this Assembly, but used meanes to stoppe the course, by letters from the Bishop and Commissioner, commanding the Presbitrie to desist from any censure. Therefore he deserves deposition.

Moderatour said—This is a suffieient ground of a Sentence against him, that his doctrine is the doctrine of the remonstrances that they avowed at the Counsell of Dort, contrare to the doctrine of all the reformed Kirkes, whose Commissioners were there; and consequently to the doctrine of the Kirk of Scotland; for he defends universall grace, resistabilitie of Grace—efficacie of Christs death—apostacie of the Saints; so he is both conviet of heresie, and obstinatelie glories in the venting of it; and so in respect of his false doctrine and declination, *merito ejiciendus*.

Then the rows were called, and the whole Assembly voiced to his deprivation.

Moderatour said—There is none here, I am sure, more loath to pronounce a sentence of deprivation nor I, who never did the lyke; yet, since place is given unto me, in name of this Assembly, and in name of Jesus Christ our Saviour, I declair, that Mr David Mitchell shall no more exercise the function of the Ministerie; and, for that whilk is laid to his charge, he is not worthie of any Ministration of the word and Sacraments in the Kirk of God, and declares his place to be vacaut; and ordaines the Presbitrie of Edinburgh to make intimation thereof in their Kirkes.

Sess. 12.

[Dec<sup>r</sup> 4. 1633.]

After prayer to God, there was a long and learned speach against Arminianisme, uttered by Mr Robert Baillic, Minister at Kilwinning.

Then the Commissioners of Edin<sup>r</sup> declared to the Assembly—That the Citizens of Edin<sup>r</sup>, so soone as they heard their Ministers had deelyned the Assembly, they were in such a rage against them, that they would neither heare them preaching, nor joyne with them in their Sessions; therefore, they cravit the benefite of the Acts of the Assembly; and in respect it would have tane up meikle tyme to have heard the particular clauses of everie ane of them, the Assembly resolved to delegat some men, who should have full power and Commissione from the Assembly, to heare and examine all complaints given in against them, and, if they deserve deposition, that they shall have also great power to pronounce it as the Generall Assembly, according to the Customes of the Assemblies of the Kirk in former tymes, who may transmit the power by Commission, *quoad ad hunc effectum*. Some Complaints were given in against Mr George Sydeserff and Mr W<sup>m</sup> Maxwell, q<sup>ik</sup> was red, and proces produced against the persone of Leith, and Mr Jo<sup>n</sup> Watstone. The Commission hes power upon all the forsaid persons in Edinburgh, Leith, Canongait, and Dumbar.

The names of the Commissioners—

Mr John Ker,	Mr Androw Blackhall,
Mr James Fleyming,	Mr Jo <sup>n</sup> Oswald,
Mr James Porteous,	Mr Robert Douglas,
Mr Richard Dickson,	Mr James Symson,
Mr Robert Cranstoun,	Mr Frederik Carmichael.
Mr Alexander Henderson.	

Nobles—

Roths, Montrois, Lowthian, Lindsay, Lowdown, Balmerrino.

Barons—

Auldbar, Waughton, Schirreff of Teviotdaile.

Burgesses—

Mr George Gray, Mr Robert Cunninghame, or any thirteen of them, 7 thereof being Ministers. They are to sitt doune before the end of Januar.

Then some Ministers were sworne before the Assembly to depone faithfully to the Committie upon the complaint against the pretendit Prelats what they know—namely, Mr James Blair, W<sup>m</sup> Dalgleishe, Androw Anderson.

Then there was a proces against Mr Alex<sup>r</sup> Gladstones, Arehdeane of S<sup>t</sup> Androwes; and the whole Assembly voided to his deprivation, and the Moderatour pronounced the sentence.

Then the Committie, that was appoynted to be upon the nullatie of the Assemblies, gave in their reasones, quhilk wer all red, and verified by Acts of



uther Assemblies, the Presbitric bookes, and the Kings Letter.

The Moderatour told that the Acts of Linlithgow Assembly were sent up and doune to Court; and, at last, when they came home, there was ane Act shifted in among them, that these who were Bishops, *ratione beneficii*, (for there was no such office,) should be constant Moderatours of provinceall Assemblies, and this was proven to be false in Mr James Nicolsones face, and the elerk called Philip, which was the caus of the said Mr James his death. John Stewart, Provost of Dumbar, was there, and told that he never heard such a thing voited. Adam Colt, Mr William Watstone, Mr James Carmichael, Mr James Cauldeleuch, Mr Androw Melvill, Mr W<sup>m</sup> Seott, and uther worthie men of the Ministrie, were sent to Court and detained quhile this present Assembly should passe.

Mr John Ker told, that, in the Assembly 1608, all the names of the Nobles, Barrons, Burgesses, Ministers, directet by the King, voited without any uther Commission, and the 13 Bishops, and from sundrie Presbitries, four or fyve Commissioners.

Mr John Row said—I was not Commissioner to the Assembly at Glasgow 1610, but I was Moderator in our Presbytrie for the tyme, and Mr George Gledstaines brought the Kings Letters, quhilk is registrat in our bookes, and he brought three particular Letters to thrie brethers of the Presbitrie nominat by the King to goe to that Assembly. I, with the advyce of the brether, made them stand and swear, as they should answer to Jesus Christ, that they should admit no alteration in government of our Kirk, nor consent to any thing that might derogat from her former auctoritie. They went to the Assembly, and, when they came baek againe, we asked at them what they had done or concludit: they would not tell us. Alwayes ane of them, that had gotten no gold, said—“God be thanked I have gotten nothing.” The other two said nothing; and we thought thereby that they were in the ealke. There wer thrie sorts of voits at that Assembly—*affirmative—negative—and non liquet*; and he that said *non liquet* gat nothing; and this brother of ours, Mr John Stewart, voited *non liquet*, and a friend of his, Patriek Stewart, hearing that he said *non liquet*, said to him, (not knowing what *non liquet* meant,) “How now, eusigne, they say devill belieket yow gatt?” Alwayes the uther two that had gotten it, would not declair what they had done. The God of Heaven made it manifest what they had done; for ane of them, Mr Andro Foster, fell into a pittifull sicknesse, for he had taken silver out of the poore folkes box with false keyes. It came to passe that he, not being gifted for such ane place, his paroehiners would fain have beine quyte of him, and desyred him to dimitt his place to Mr John Murray, and offered him a great soume of money, and lykewayes offered to get him a landwart kirk, and, if his stipend were not good, they promised to make it also good, whereto he would not consent; but, through vehemeneie of sicknes, troubled in mynd, feares and terrours of conscience that God struek him with, he was in a pittifull ease, and even readie to put hand to himselfe, as I can bear witness, who was sent for to comfort him. He tooke apprehension of a word that Chaneellor Seaton said to him when he reveiled to him what he had done—“that it were well waired he wer hanged.” He apprehendit that he would be presentlie tane and hangit; but, having perswaded him of the contrair, I desyrit him to tell the trueth to Gods glorie, and he promised to answer me of any question I would propone; and I demandit of him, first, saying—

‘Brother, are yow perswadit in your heart that God calls yow to the Ministrie?’ who answered—“Nay, nay, I soght ever the world, and so seene on me.” Secondlic, I asked at him—“What he gat in Glasgow for selling the liberties of the Kirk of Seotland?” He said—“Fyftie merkes.” I said to him—“It is good for yow to prepaire yourselfe for death;” whereupon he apprehendit that he was presentlie to be execute. I besought him to pray. He said he could not; but desyred me to pray for him, whilk I did; and, in the tyme of the prayer, all the buttons lapp aff his breast, and [he] bled horriblie at mouth and nose. After prayer, I asked him—“Are yow prepared to die?” He answered—“No, woe is me!” Said he—“If you would spare my life till the morne, I would be better prepared;” and requested me to deale with Patriek Stewart for his life, and might I give him assurance it should be so; so, the morne I came to see him, and he was beuumed, and wist not what he did or said, and granted that he was not in the ease he was in before. At last, he deserted his calling and came to tho Presbitrie, and gave over his place to Mr John Murray. And the lyke fell out too with Mr W<sup>m</sup> Patoun; for he gat uther fyftie merkes: and, the poore folkes box being broken in his house, the Bishop, at his visitation, made him to lay doune uther fyftie merkes for it, and so he had no vantage for that shift.

Mr David Dick said—Doctor W<sup>m</sup> Guild and I was auditors of ane who was a verie penitent man, for taking some money at their Assembly. He confessed he gat 40 punds; and we asked what he did with it? He answered—he bought ane silver satt fatt with it, and he said “there was no more to give me.”

Doctor Guild said—In trueth there was some money in dealling, but he came to the hinder end and when the purse was weill neare teemed.

Mr Jo<sup>n</sup> Ker said—I know a minister, Mr John Lawder, that came when the bag was almost teemed, and the Earle of Dumbar, who was his patron, said—“Well, Mr John, yow are too lang a-coming, for I have no more left but teu punds, 40<sup>d</sup> less,” and that he gat.

Mr Thomas Mitchell said he had a good-brother that was there, and when he came hame he was asked what he gat. He answered, he saw it in dealling, but not a penny he gatt, but was threatened by the Bishop to be sent to Ireland.

Mr Simeon Johnstoun said—He was there, but gat no money; only went thither upon the Kings Letter.

The Moderatour said—That might weill be your reward.

Then diverse other of the brethren arose and declared that there was both money taken and given at that last Assembly, and lykewayes they nominat sundrie that had reecaved it. Theu the reasons for the nullitie of the pretendit Assembly at Aberdein 1616 was red and proven to be valide.

The Reasons of the nullitie of Perth Assembly 1618 was red and fund valide, and Mr Laurence Kinneir told that his name was put out and uthers wer put in the rows.

Mr George Musehet said—Some that came with Commissions, because they trowed their voice would be negative, their names wer put out, and Mr John Murray offered three or foure tymes to speake the pretendit Moderatour, but gat not libertie; and when he came hame he said he never saw [such] ane ordour at ane Assembly.

Mr James Cunninghame said—The Bishop or pretendit Moderatour, in his discourse which he



had be way of preaching, he was there labouring to cleare himselfe of any imputations which he said was layd on him for being the devyser of the 5 Articles. He tooke aff his hatt, which he had on all the tyme of the preatching, and attested God that he never knew of the 5 Articles till the King sent them doune, and commanded to ingrosse them in the Assembly; and Doctor Lindsay, who was the man that answered all the arguments, when it came to the voiting, said, "I confesse there is neither Scripture, antiquitie, nor reason for them;" and farder, he was heard say, "If either reason, Scripture, or antiquitie had place, he will tyne the cause." The question was stated, whither, in respect of the Kings Commandment, the 5 Articles should pas or not in ane Act? And it was urged onlie to be aeted in the Assembly bookes, and the Bishop said they should never be urgit with the practice of them; and the Bishop of Galloway, directing his speache to Mr James Carmichael, said, "Yow may see we conceived the Aet be way of Councell and not be way of Command," and so, many gave way to the inserting of it in the booke for the Kings pleasure, who for conscience sake would never have practised them.

The Moderatour said—Brethren, I think when ye read constitution of Synods, and these conditions that are essentiallie required for making up of lawfull Assemblies and Synods, ye will find many peccant humours in these Assemblies against these rules, and ye will find scairce any of them kept. I have sundrie tymes considered the Conditions that all divines think requisite to be kept in Assemblies, but I could never see ane of them kept in their Assemblies, especiallie in that of Perth.

Mr David Dalgleshe said—I remember it was said that these articles seemed to Poprie, and the pretendit Moderatour said he would meet the Pope midgate; and in voiting they wer commandit either to grant all or deny all, for the Articles wer all voited together.

The Moderatour said—If there be any other brether in this Assembly that hes any uther particular concerning Perth Assembly, let them now declair it before it goe to voiting, and let us doe all out of cleare light, solide knowledge, and certane persuasion, that we pas, not from it the next day. Ye know what pitiful perturbations and tragical tribulations hes bein upon the urging of these articles, and we have reason to blesse God, who this day calls them to examination. I think there was four yeares betwixt the elosing of the Assembly and Parliament that ratified it, and all the tyme betwixt, there could never a certane forme be gotten of that Act. Alwayes brethren, becaus this is a matter of importance, and I would have you all fullie perswaded in your mynds; any man that hes anything to say, he hes now tyme.

The Assembly was all silent, and thereby declared their satisfaction. Then the rolles wer called, and the whole Assembly, all in ane voice, without contrare voice, declaired all the forsaid Assemblies to be null.

The Moderatour said—Ye have voited unanimously; and these Assemblies I trust be not only null, but hereafter shall be a beacon that we stryke not against such rocks; *pathemata nothemata, nocumenta documenta*.

Then the Moderatour pronounced, in name of the Assembly, these Assemblies to be null, in these words:

The Assemblie heir declaires these Assemblies to be null—to have no ecclesiastical nor civile authoritie; and consequentlie whosoever practises any

thing under pretence of their authoritie, shall be censured.

Sess. 13.—5 Dec<sup>r</sup> 1638.

After in calling on the name of God,

The Moderatour said—We have great reason to blesse the Lord for these very cleare and sensible demonstrations of his presence amongs us, both in veritie and unitie, as we did sensible find yesterday. There is none of us that hes now assented to the declaration of the nullitie of these Assemblies, but they can gather such ane appendix as this, That since these Assemblies ar null, no oath that were taken of any Minister shall have any further obligation; and if these pretendit Assemblies had no pretext of ane Assembly, and the rest that wer pretendit to be Assemblies, are declaired to be null: and this was ane great pairt of that intollerable tyrannie and yoke that was upon the neck of this Church; and since all these things are now in effect dischargit and declaired to be null that were concludit in these Assemblies, we ought all to turne to our former practice, warrantable by lawfull Assemblies and customes of this Church, and, no more to be acknowledgit, the power of these null Assemblies. And sicklyke since Presbyteriall power was tane away by these pretendit Assemblies, their power is now returned againe; and therefore let all of us use it when we goe hame.

Mr David Dick said—I desyre that that may be insert in the bookes of the Assembly; and becaus that some Ministers are admitted be Presbitries, wham the Bishops refused to admitt, it wer good it wer ratified in the Assembly.

The Moderatour said—That which they have done in Presbitries, according to Presbyteriall order, cannot be null.

Lowdoun said—The corrupt Assemblies, which are now declaired to be null, was a impediment to the positive grounds and the government of the Kirk, and therefore these considerations that are propounded heir, tho' they follow *ex consequentia*, divers [deserves] to have a severall act by themself.

Moderatour said—I think it necessar that all bands and yokes be tane off this Kirk, that all that are of the Ministry may find and acknowledge their libertie; but let thir things be referred to the hinder end of the Assembly.

Then was there some witnesses sworne for information according to their knowledge concerning the Bishops of Galloway and Brechin, namely Mr Hugh Huchesone, Andrew Agnew, James Agnew, Allan M'Gill, Mr George Home, Mr John Weymes, Mr Lawrence Kinnier, Mr Mathew Weymes, Mr Alex<sup>r</sup> Wedderburne.

Then there was a proces produced against Mr George Hanna and the Minister of Dirleton which are referred to the Commission at Edin<sup>r</sup>.

After this there was a proces produced against Doctor Hamiltoun, and the executions produced; and the officer reported that when he summoned him, he bad him hang himself—he was not a treatour to compeir before rebels; and that he was ane honest man nor any that sat at Assembly. Then he was called on, and ane day assigned for the witness.

Then Mr Wilkie, Henry Stirling, Sir Robert Boyd of Bonschaw, Mr David Elphinstoun, Mr Hendry Semple were sworne to declair what they knew against Mr James Forsythe, Minister of Kilpatrick, to the Commissioner for the Billes.

*Complaint against the Prelats.*

Moderatour said—Now let us goe on in this



great complaint against the Prelats; and if there be any thing done in it, let it be accuratelie and orderlie; and that it may be upon some sure grounds, for our proceedings will be strichted to the uttermost.

Yee know there was two sorts of accusationes given in against them. The ane was generall, and that was the breach of the Caveats that was put upon them to keepe them. The Moderatour said—The uther was particular faults against them. Let us first examine the generall, and be very exact in it, becaus the examination of ane is a rule of the rest.

There was the Complaint against the Bishop of St Andrews red, and it was found that he had sworne the Caveats at his admission to the Bishoprick of Glasgow, bot he had not subscryved as the first Caveats requyres.

Mr John Livingstone said—That his father declaired to him that he was present at the Bishops admission, and heard him swear; and a little thereafter he went to Court, and, being reproved by King James for swearing of the Caveats, he purchased a testificat from the Presbitrie of Glasgow that he had not sworne and subscryved, quhilk was true, being tane *conjunctim*; whereas he was adstricted to doe nothing in Parliament to the prejudice of the libertie of the Kirk, but by warrant from the Kirk. It was found that he had divers tymes voited in Parliament to the prejudice of the Kirks libertie, but never had a warrant from the Kirk, quhilk poynts wer notour to the whole Assembly, and declaired by Rothies, Eglintoun, Lowdoun, Mr Robert Blair, Mr David Dalglesche, Mr Jo<sup>n</sup> Grahame, Mr James Martine, and Mr James Sibbald, to be most true.

Moderatour said—Since the Kirk of Scotland, who should have given him a warrant, is heir, and declaires he had none from them; and, lyke-wayes, since he compeires not to shaw his warrant, it is cleare he never had any. It was also found that he had sett tacks, and sold patronages to the prejudice of the Kirk; and diverse noblemen declaired that he had sold patronages to them, and they said they tooke their pennyworthe of him.

Lowdoun and the Laird of Blair, Provost [of] Dunbarton, and Mr George Young, wer taken sworne to declaire to the Committie what they knew in this particular.

Whereas the fyft Caution requires residence with their flocke, to be present at their Presbitries, the Contrair was notour to all the Assembly; and the Moderatour declaired that this 20 year he heard not 3 exercises in their Presbitrie.

The 6 and 7 Cautions were more manifest to the whole Assembly. The breach of the 8 is evident by their declinatour, whereas they call themselves “the Representative Kirk.”

Lowdoun declaired—That when our Petitions were framed and given in to Counsell, the pretendit Bishop rejected it, becaus it bure, “in the name of the Kirk and Clergie joyning with the Nobles, Gentlemen,” &c. The Bishop of St Andrews answered, “Whom call ye the Kirk? A number of baggage Ministers, worthie to be banished: ye shall understand that we are the Kirk.”

This James Cochrane witnessed also; and Mr James Bonar declaired that in a Convention of Bishops at Leith, he heard them say these words: “They say that they are the Kirk, but we are the Kirk, and it shall be so; who will say the contrare?”

[*Process against John Crichtoun.*]

Then there was a proces given in against Mr

John Crichtoun, Minister at Pasley, whilk was red. It contained many blasphemous poynts, both of Arminianisme and Poperie—about 48—besyde his scandalous lyfe. Then the roll was called, and the whole Assembly voited to his deprivation.

Then the Moderatour said—Though it be our parte to doe what the Lord hes commanded us, we should doe it with griefe and compassion of heart; for a just sentence may be pronounced with ane evill heart: notwithstanding, we ought to have hope that the Lord will give him repentance; but since ye have thought him worthie of deposition, In the name of this Assembly, and in the name of Christ, our Lord, I depose him from all function of the Ministrie, both in doctrine and use of Sacraments, and declaires his place to be vacant.

Sess. 14.

[December 6, 1638.]

After prayer to God, there was some witnesses sworne to give their information concerning the Complaint [against] the Prelats—as namelie, Doctor Guild, Mr David Lindsey, Mr David Young, Mr Alex<sup>r</sup> Robertsons, Mr Andrew Strauchane, Mr John Rutherford, Mr Thomas Mitchell, Mr David Forrest, Mr W<sup>m</sup> Menzies, Mr George Robertsons, Mr George McGill, Mr George Fleyming, Thomas Durhame, Mr George Muschet, Mr George Grahame, and James Row, Archibald Campbell, Mr Robert Bruce; and becaus these persones are witnesses, they cannot be judges, and therefore they cannot sitt heir as voitors in that particular.

The Moderatour said—Ye know there was a Committie of some learned and worthie brethren anent the Service Booke, Cannons, &c., and we trust their labours shall have a large approbation of yow. Ye shall heare some of them red unto yow, which we hope shall give great light unto your myndes. Take head to them that you may be able, after the hearing of them, to the voiting, that after the declaration of your mynd, ane act may be drawn up such as beseemes the General Assembly, and that by the auctoritie of this Assembly, order may be given for printing a Treatise which may be a guard for the posteritie to come against such evils, and perhaps for uther Kirkes also; and albeit the laboures of our worthie brethren take up some tyme in reading of them, I hope we will not wearie, becaus there are many notable poyntes of heresie and errour in these bookes; and since there hes beine great paines taken by the authors of these bookes thir many yeares in framing of them, I hope ye shall find it a well bestowed day, to see the darknes and errours of them discovered; and I am sure it will be more delectable for us to heare thir thinges reading, nor to have bein reading these Popishe bookes ourselves in our churches.

Then there was a large and learned Treatise red by these reverend brethren that were in that Committie, descryving the Idolatrie and Superstition of the Service booke, the tyrannie and usurpation of the Booke of Cannons and Ordination, and the unlawfulness of the High Commission, which gave great satisfaction to the whole Assembly.

*The Assemblies condemning the Service Booke and High Commission.*

Then the Moderatour said—Your Honours and Wisdomes all know how this Church hath bein burdened with these great weights and multitudes of evils, the Service, &c. Ye know also how a great parte of the Subjects of this Kingdome, of all rankes, did joyne together in a great, peaceable,



and humble maner, and did supplicat his Majestie against these manifold and great evils; and when at the first, they had not such great hope as utherwayes they would have wished, to have beene free of these great evils, how they joyned together in that Confession of Faith and in a publict declaration, that in their judgement these evils were abjured in the Confession of Faith 1580. Ye are acquainted with the words wherein these same evils are abjured; "and becaus efter due examinatione we plainlie perceave and undoubtedlie beleive that the forsaid narations and evils," &c. Ye know it pleased the Kings Majestie at last to discharge all these bookes and High Commission, for the which we have reasone heartlie to thanke his graecious Majestie; and it hes pleased God, by the indiction of this present free Generall Assemblie, to bring us all heir, and is now calling us to give our judgements concerning these bookes and High Commission. I did not thinke that any of yow neids any farder information, both becaus the Kings Majestie hes discharged them alreadie, and becaus it is not the first day that ye have heard of them, but hath informed yourselves of the evill of them or now; and though your judgements had not bein prepared by the laboures of our reverend and learned brethren, I put no question but ye would have done it before out of verie cleare light. Ye know ye must consider whether these bookes and the High Commission have bein brought into the Kirk without warrant of the Kirk, contrare to the order thereof, whether they containe thinges abjured in our National Confessione of Faith we have latelie subscribed—and, in a word, whether they be by this National Assembly to be condemned?

Then Mr Alex<sup>r</sup> Somervell raise up and spacke.—I approve the travells of our worthe and learned brethren, which, I hope, hes given full satisfaction; and for these proud men who gives proud titles to them quibls, calling the Service Booke "a booke of commone prayer;" for it is commone to all the reprobats that walke in the broad way; and, for the uther booke callit "Cannons," it is a name which is given to Scripture itselfe; and for their owne pride, they were not content with that which kirk, country, and parliament gave them, but would rise above all; and nothing would satisfie their unlimited ambitione. It seemes that Gods hand is upon them in this instance, and not only will take from them that which they have usurped, but also that which was given unto them; ffor as long as there was nothing coneludit but the Five Articles, many were deceaved with their indifferencie; but now their courses are discovered, and it is weill knowne now they are leading us toward Rome; and we have reasone to blesse God that by the Kings majesties indiction of this Generall Assembly, they are now coming to voiting. And if personall faults be so worthe of censure, much more their ministeriall errorrs which crosse that holy ealling; and, therefore, I hope ye are all readie, not only to give sentenee against these bookes, but against the authors of them.

Then the Moderatour stated the question—Whither doe ye reject or condemne these Bookes and the High Commission, for the reasons foresaid, or not?

Then the Clerk called the rolles.

Mr Alex<sup>r</sup> Kersé being first called upon, said—As for these bookes, *sepeliantur sine honore*: as they were hatched and introduced in ane unlawfull maner, let them be buried with reproach and shame, and send them *ad infortunatas insulas*. As for the High Commission, no tyrannie is of long durance, and, therefore, with a short cutt, I abjure it.

Mr Thomas Ramsay said—I reject them to the jacks of eternal destruction.

Mr Androw Cant said—I think the High Commission like the Spanish Inquisition. I think the Booke of Canons full of Popishe and Pop-lyke tyrannie. I think the Service Booke full of superstition and massing Poperie; and I think that Booke of Ordination, like the beast in the Revelation, with which none could buy or sell; and, therefore, I abjure and condemne them all.

Then all the rest of the Assembly, without a contrare voite, rejected and condemned them all.

Moderatour said—We have very great reason to acknowledge the goodnes of God to us, that joynes us together after such a maner, in giving so ample a testimony to Christ our Lord, and so large a testimonie against the worke of Antichrist in this land; and every one of us should wishe for the same spirit to goe on with us to the end of the worke.

Then divers of the Assembly desyred that the labour of these worthe and learned men might be put to the presse, whilk was promised.

Then there was some desyred to depone their oathes concerning the Bishop of Galloway, Mr Robert Aird, Neven Agnew, Mr George Gillespie, Mr James Bonar.

Then there was a commission nominat for Dundie and some adjaent paroches, for taking order with some transgressions in their ruinistrie and in Angus, as namely—

Mr Alex <sup>r</sup> Henderson,	Mr Alex <sup>r</sup> Bisset,
Mr David Dalgleishe,	Mr Alex <sup>r</sup> Cunninghame,
Mr John Robertstone,	Mr George Halyburtone,
Mr Andrew Wood,	Mr Frederiek Carmichael,
Mr George Somervell,	Mr John Robertstone,
Mr Silvester Lammie,	Mr James Lightoun,

#### Nobles—

Montrois,	Sinclare,
Lindsey,	Cowpar,

#### Barrons—

Auldbar,	Din,
Fintray,	Newtoun,
Scottiseraig,	Auehterhouse,
Thomas Durhame,	James Sword,

The quorum ij, whereof 6 ministers being alwayes present; and so their session dismissed.

#### Sess. 15.—Dec. 7.

After in calling upon the name of God,

There were some witnesses sworne to depone what they knew against Mr William Annand—namely, Mr James Bonar, Mr Thomas Garven, Mr James Cunninghame, Robert Gordoune, John Kny<sup>t</sup>, John Kennedie, Mr John Bonar, Mr W<sup>m</sup> Smyth, James Cochrane, Adam Dalrymple, John Patersone, W<sup>m</sup> McAdam, W<sup>m</sup> Spier, Thomas Blair, W<sup>m</sup> Patoun, John McNire, Mr David McCorne, Mr Johne Burne, Mr John Hamilton, Mr James Baillie, Mr James Scharpe, and Mr Robert Baillie.

Against the Bishop of Dumblane—Mr Henry Livingstone, Androw Raid, Mr John Duncane.

Against the Bishop of Edinburgh—Mr Robert Murray, Mr George Gillespie, Mr Alex<sup>r</sup> Symmer, John Blyth, Jo<sup>n</sup> Weymes, Mr David Dick.

Then Mr James Stewart brought in a letter, and produed before the Generall Assembly, which came from the Bishop of Dunkell, wherein he humbly submitted himselfe to the judgment of the Generall Assembly; and Mr James Steuart shew ane letter



written to himselve, wherein he had given him commission to intreat his reverend brethren not to rank him among the rest of the Bishops, in respect he had neither subscrievd the declinatour nor protestation.

Then there was [a complaint] given in against Mr George Halyburtone, and red, wherein he was accused for sacriledge for declyning the Presbitrie, and for denying some of his parochiners the benefite of baptisme, marriage, buriall, and uther benefites of the Kirk. The Assemblie, having manie weightie and grave matters and affaires in hand, remitts the same back againe to the Presbitrie of St Androwes, and adjoyned unto them, in Commission, the Earle of Rothes, Mr Robert Douglas, Mr Robert Cranstoune, &c.

Then there was complaints given in against Mr James Fleck, wherein he was accused for defeuding universall grace; who answered that he did never defend it, as a parte of the doctrine of the Arminians; but only that he said to the gentleman that he should not thinke hardlie of him for that, because it was the doctrine of the Lutheran Kirk. I confesse I citted two texts of Scripture—John 2. 1, 2, Pet. 2; but I was never of that opinion that *Christus mortuus est pro singulis*. The Assembly, finding it would consume much tyme to discuss the particulars, and that they had weightie occasions in hand, did appoynt a committie for that effect—namely Mr Matthew Brisbane, Mr Alex<sup>r</sup> Somervell, Mr John Moncreiffe, Mr John Maitland, and Mr Samuel Rutherford.

[*Bishop of Galloway deposed, &c.*]

Then were the Articles that were approven against Mr Thomas Sydserrf, pretendit Bishop of Galloway, given in; and it was sufficiently proven and notour to the whole Assembly that he was guiltie of the breach of the Caveats, besyde many poyntes of Poprie and Arminianisme, and many grosse personall faults.

Then was red the paynes and censures of the Caveats furth of the Acts of Assembly.

Then the Moderatour said—We must not esteeme of mans faults according to the worlds estimatione; for ye know if a man be not a drunkard, a theiff and robber, &c., in their estimatione he is a good man, whatever fault he has utherwayes. But we of this Assemblie ought to thinke utherwayes; not that I would extenuat the foir-named faults, but are to consider their habituall and ordinary transgressions of a publick law is a great guiltines; or, as schoolmen speakes, *spiritualia peccata* are greater than *temporalia peccata*. So say I. The preaching of false doctrine, and venemous poysons of that kynde, to bring the people from the trueth of their profession to Papistrie and Idolatrie, must have a great censure; and, consequently, the breach of these Caveats by him, the declyning of this Assembly, and the bringing in of the Service Booke—which you have already censured and condemned for the manifold guiltinesse that it hes in the bowells of it—he deserves no lesse than excommunication. I remember in the English Church there is a sort of excommunication which the Papists call *excommunicatio lata*—that is, when the man committs the cryme, he shall be declaired to be excommunicat. And there is two sortes of excommunication used in this Church: the one is called summar excommunication, and the uther uses to have admonition before, and is *propter contumaciam*. Summar excommunication hath beene used in this Church in two cases, and was for hynous crymes. The uther was when the Kirk was in danger by suffering of

such a member—as a rotten member is cut off least it should corrupt the whole bodie. The uther, which is *propter contumaciam*, is knowne to all men. In respect that this pretendit Bishop of Galloway is guiltie of contumacie, being cited to compeir heir, and having declyned this Assembly, his excommunication cannot be called summar, but *propter contumaciam*. It is pittifull to see some hath such a great conceat of their owne words, learning, and engyne that they will not be ranked among uthers; but, as they thinke themselves above uthers in gifts, so they thinke they should be advanced above them in place—and, therefore, an ordinary stipend cannot content them; and then they begin to tyre of preaching and catechising; and thus are tane away with the pleasures and caires of the world and idleness. Therefore ye have to consider what shall be their censure; and least you eire, ye shall heare some articles that were gathered out of the Acts of the Generall Assemblies of the Kirk, as lykewayes ane Act of 9 Parl<sup>t</sup> K. Ja. 6., wherein is exprest the censures that is due to them. And ye shall understand, whatsoever sentence the Assembly shall thinke fit to pronounce against these, when it is all for their good—for the destruction of their fleshe that their saule may be saved in the day of the Lord. But let us remember that these that are deponed witnesses against them sitt not heir as voitors.

Then the Moderatour desyred some of the brethren to give their advyce how they should proceed in that matter.

Mr David Dick said—It is weill enough knowne that they, having exeemed themselves from ane particular flocke, and from the censure of Presbitrie, and acknowledged no kind of Judicatories but only the Generall Assembly, whilk cannot alwayes sitt; and, therefore, for the wronges they have done to Christ Jesus our Lord, and to the poore Kirk of Scotland, which they have tossed to and fro now these sixteene moneths; and, notwithstanding that everie sermon hes bein taught all this tyme hes bein a summons for them to repentance, yet doe we see no appearance of it, but a constant ougoing to bring this Kirk to ruine—stirring up the Prince against the people: therefore, my opinion is, that we declair our zeale for the Lord; and that the last censure which is the meanes to humble proud men, be given out against them though they should laugh at us for so doing; for since neither the troubling of this poore Kirk, nor our prayers and teares could humble them, it is good the last meane be assayed, and sollicite God to voiting.

My Lord Lowdown said—The not appearance of these men upon their citation and decluying of this Assembly, proves their contumacie.

Moderatour said—Their great guiltinesse is notour to the world; and yet, notwithstanding of all, they could never cry so much as *peccavi*; and since we excommunicat all that wer Papists, and disobedient to preachers and pastors, from partaking of the holy Communion; since they are guiltie of both, why should not the censure pas against them? I will read some words of a reverend Father, Mr Andro Melvill. When the Bishop of St Androwes was to be excommunicat, he said, “That old dragon had so stinged him with avarice, and swalled so exorbitantlie, that he threatened the destruction of the whole bodie, if he were not cutt off.”

Then the Moderatour stated the question, which was this—Whither Master Thomas Sydserrf, pretendit Bishop of Galloway, upon things layd to his charge—the breacking of the Caveats—for preaching of false doctrine, Arminianisme, and Papistrie, and



bringing in of the Service Booke—whither he shall be deposed and excommunicat, or not?

Then the rolles were called.

Mr Alex<sup>r</sup> Kerse, being first nominat, answered— I chanced lately to see ane Extract of ane Act of a Generall Assembly holden at Glasgow, Appryle 26, 1580, wherein is registrat that the Bishops of Isles, Aberdeine, and St<sup>t</sup> Andrewes submitted themselves to the Assembly, and I looked that our oune Bishops should have done the lyke; but instead of their submission, whereby they might have quenched the fire that they have kindled, they have addit contumacie; and the said Mr Thomas Sydserff is *Incendiarius*. Soloman sayes, “he that breakes doune ane hedge, a serpent shall byte him;” and they have brooken doune a hedge, and therefore the serpent of sharpe excommunication shall byte them. And since he is also guiltie as any, he deserves excommunication, so *abscindatur quem nos perturbatur*.

Then the rest of the names were called; and the whole Assembly in ane voite unanimouslie did voite to his deposition and excommunication, except Mr Silvester Lammie, Mr Andro Ker, Mr Robert Baillie, Patrick Bell, who the morne, efter advise-ment, did voite to his excommunication.

Then Mr John Hay, Minister at Raffoord in the North, produed a censure of the Service Booke which he had written; and the Moderatour receaved with all thankfulness, and the Assembly thought fitt that it and the laboures of some uther worthie men upon that subjeet should be put to the presse.

Moderatour said—Ye may see that the same spirit which breaths in the South blowes also in the North; and as some of our reverend brethren about Edinburgh and the South hath contributed to this, so also some in the North hath not beene idle.

[*Spottiswoode, Bishop of St Andrews.*]

Then the pretendit Bishop of St<sup>t</sup> Andrewes was called on and the proces red, and he proven to be guiltie of adulterie, drunkennes, preaching of Arminianisme and Papisticall doctrine; and for this cause the whole Assemblie voited to his deposition and excommunication as of before.

[*Bishop of Brechin.\**]

Whilk being done, the Clarke proceeded in reading of the Crymes given in by the Committie against Mr Walter Whytefoord, Bishop of Brechin, [consisting of five Articles.]

After that thir and manie other faults proved against him were redde iu the Assemblie; ane paper was given in by the Committie, conteaning the probation of his adulterie with Aleson Chrichtone, by the circumstances which were done thereanent; as who had given her money at his instance, who hes baptized the bairne at his request, and sundrie other passages thereof were their commemorat. Which being redde, Mr Alex<sup>r</sup> Ramsay gave in ane paper, conteaning that ane certaine woman, servitrix to ane Nobleman, had told him, being to come to the Assembly, that shee had lykewise borne ane bairne to the said Bishop, but by his persuasion had given it to another, which her conscience accusing her for, shee was forced to tell: whilk woman he had warned to be present at the Assemblie for the probation of the same.

The voyces at last being sought anent his cen-

sure, he was adjudged, as the other two, to be deposed from his office, Ministeriall and Episcopall, and lykewyse to be excommunicat. After whilk, thankes being given, they dissolved.

Sess. 16.—Dec<sup>r</sup> 8, 1638.

[*Lindsay, Bishop of Glasgow.*]

After prayer to God,

The Moderatour said—We wer going forward yesterday in the lybell of the Bishops, and the complaints against them. We began at the Bishop of Galloway and then at St<sup>t</sup> Andrewes and Brechin, and least it may seeme a neglect that we aro lang in coming to the Bishop of Glasgow, whose residence is so hard by us, let us goe on to the tryell of him.

My Lord Weymes said—The Bishop of Glasgow sent ane gentleman to me desyreing me earnestlie to speake with him; and because I could not goe to him before the Assembly, he intreated me to desyre the Assembly that nothing might be done anent him till I speake with him.

Moderatour said—It is good for that cause to take some uther purpose in hand; and since your Lordship desyres that he may be superceidit, yee shall be pleased to joyne ane or two discreit Members of the Assembly with you to speake with him, for it is better to wound ane then to losse twentie.

[*Confession of Faith—Episcopacy.*]

Then the Moderatour called on the Committie for the Confession of Faith, and desyred my Lord Argyle to speake somewhat anent it.

Argyle said—Becauss I believe occasion may fall out that I must of necessitie goe to Edinburgh shortlie, therefore I desyre that the Confession of Faith, wherein I acknowledge myselfe to be tyed, might be explained before I goe, that I may both be a witsse to what is done and be able also to informe uthers. There are two Confessions. One is the Confession with the explanation: the uther is the Confession, that which breids much questioning; some referring the explanation of it to the Assembly, uthers subseriving it according to the meaning of it when it was first sett doune, as the Counsell hes done: therefore it is wisdom to consider whether ye take it to consideration as a thing fitting and expedient or not? Or if ye take it (as the Kings Commissioner and these of good qualitie hes done) as it was first subservyed? If ye take it to your consideration whether Episcopacie should be or not, it may be that more disputable; for I confesse I have never dyvit deeplie in it. Therefore I humbly represent unto your consideration the lawdable acts and estate of the Kirk at that tyme, and to consider as in *Ecclesia constituta*.

My Lord Rothes said—I thinke it is absolutelie necessar, in regard that my Lord Argyll is to be at ane Counsell day shortlie in Edinburgh, where it is like, the Commissioner will be present, and so his Lordship shall have occasion to give them satisfaction, if we make such grounds heir as shall be answerable to explanc the Confession that they themselves have subservyed.

Then the Moderatour desyred Lowdown to declair his mynd.

Lowdown said—It is sufficientlie knowne to this reverend Assemblie what great straites this Kirk was redaeted to when the Popishe Booke of Service, Cannons, &c., now justlie condemned, were injoynd as the only forme of Gods publict worschip, and that some of the most sinecare Ministers, Gods faithfull servands, were ehargit, under the paine of

\* The Deposition of the Bishop of Brechin is omitted in the Glasgow Folio MS., and is therefore supplied from Mr Laing's Copy.



rebellion, to receive these Bookes, till by a Bill of Suspensione they obtained some breathing tyme, that men of all rankes might supplicat against these evils. It is knowne to yow also, that by the Bishops malice and misinformation of our Prince, the answer of all our Supplications at Stirling was returned by a proclamation, under the paine of treason, that we should not presume to meit any more to prosecute our desyres; so that at that tyme we are driven to such exigencie that we behoved either to fall in rebellion and excommunication on the one hand, or forfeiting of the way of trueth and true religion and breach of our Nationall Covenant with God on the uther hand; and we knew not to what hand to turne us, till it pleased God to lead us by his light to the renewing of our Confession of Faith, which ye know was verie solemnlie sworne throw this Kingdome; and ye know also that no meanes hes bein left unassayed to have rescindit the same. Then it was taxed to be ane unlawfull combination, whereof we did cleare it sufficeintlie. That our Supplication of it should be left out, that it might be the more ambiguous in the interpretation, and therefore it necessarilie at this time requyres ane explanation, and the way that we have proceidit therin is this: First, we have drawn up some reasons of the necessitie of ane explanation to be made; next, that we may selunne the neidles dispute of Episcopacie *in abstracto*, and of these corruptions that were introduced after they were expelled out of this Kirk, we thought it most necessar to state the question thus: Whither Episcopacie and these corruptions be compatable with the doctrine and discipline of the Kirk, as it was established in the year 1580 and 1581 to adhere? And this being examined, we hope it will cleare all the scruples about the Confession of Faith, and for this purpose we have drawn up a number of Articles thereanent. And when we consider how the Bishops have striven to creip in by degries, and have abstracket the Bookes of Records of the Kirk, which now in Gods providence are come in our hands—and how they made many Acts of Generall Assemblies which now are declared to be null—and how they have thrust themselves in the pryme places of the Estate, and by their boundles power in the High Commission, and sheltered themselves under the shaddow of auctoritie, oppressed the word of God;—no wonder that some hes beene deceived rather to think them tollerable then to suffer themselves to be thrust from their flocks and places. We trust in God, when it shall appeare that they have done nothing but what hes beene protested against by Gods servands, and that they had never a warrand from Eeclesiasticall power, and that these things were once abolished as mens inventions, tending to the overthrow of religion and wanting a warrand from Gods word, we hope, these grounds being cleared, we shall all returne to our former puritie, and, by so doing, shall give testimonie of our obedience to God, loyaltie to our King, and happie conjunction amongst ourselves.

The Moderatour said—I am glad that my Lord Lowdowns speach hes come to your eares; and I think that whilk scarres some most, is feare to offend the Kings Majestie. But we are sure, when the Kings Majestie sies we make conscience of our oath, and when it is manifest to his Majestie that we doe nothing but what is sworne to be done in the Confession of Faith enjoyned be himselfe, we hope he will think them good and loyall subjects to him, who have proven so obedient to God.

Then there were reasons heard by the Clerk, showing how necessar it was that there should

be a necessar explanation of the Confession of Faith.

After the reading of the Reasons,

The Moderatour said—Ye have heard many reasons showing a necessatie of this explanation: now heir the explanation itselfe. And I intreat yow, Nobles, Gentlemen, Ministers, Elders, or any Minister of this Assembly, call for reading of any Act that will cleare your mynd, and they shall heare them out of the Book of the Assemblies; for I think there be many Theologs in this Assembly that are not weill acquainted with the Acts of Generall Assemblies.

The Clerk said—To show yow how diligent our Reformers wer in gathering of their Acts, there wer two fasts appoynted, to seik Gods direction therein—the ane 26 April 1577, and the [other] 1578. Then all the Acts of the Assemblies, clearing the meaning of the Kirk of Scotland, concerning Episcopacie in the year 1580, 1581, wer red by the Clerk.

Then the Moderatour desyred to read the Act of Counsell 22<sup>d</sup> of September 1638, in which Act his Majesties Commissioner and Lords of Counsell declared, that they subseryved the Confession of Faith, as it was professed and established in the forsaid years 1580, 1581. Then there was a Letter, in Latine, writtine to some of our divines by the Kirk of Helvetia, red by the Moderatour, giving approbation to the Confession of this Kirk, and showing their opinion in the poynt about Episcopacie, wherein they declared it to be but humano consuetude that appoynted the prioritie of Pastors above Pastors, and that divine iustitutione had only appoynted a paritie among Ministers.

Then the Clerk said—It is evident that, in all their Assemblies, the abrogation of Episcopacie, the establishing of the Booke of Discipline, and the injoying of the Subscription of the Confession, wer alwayes conjoynd. After the reading of many uther Acts,

The Moderatour said—Heirby any may pereeave what the meaning of the Kirk of Scotland was concerning Episcopacie, in the 1580, 1590, and 1591; and what shall be our meaning, except we shall deall deecatfullie with our God in our Covenant?

Then the Clerk said—I know certainlie that this office of the Bishops was never established by any Act of Parliament in Scotland, which I never knew my selfe but within this twelfemonth, that I tooke speecall notice of all the Acts of Parliament for that effect.

The Moderatour said—It becomes us to have a reverende estimation of the Lawes of the Countrey; yet there is no Acts of Parliament that can be the ground of our Eeclesiasticall Polieie.

Lowdown said—It is but too cleare what we are doing in Eeclesiasticall Judicatorie hes nothing in the civill law repugnant to it. Then my Lord Lowdown red the Act of the 15 Parliament of King Jas 6, and ane uther Act Parlt 1612. In the former there is nothing concerning the office of Bishops, but only reserving to the Kings consideratione and advyement with the Generall Assembly; and in the last thero is a relation to the former; so that there is nothing in the interveining Acts 1606 and 1609, and the Act 1612 does not ratifie that which is concludit in Glasgow Assembly, which now is condemned. That ground being taken away, the Ratification also falls.

The Moderatour said—Ye have heard a cleare deduction of this purpose; and if it would please my noble Lord Argyle, whom I know hes tane paines to be cleare herein, if it would please his



Lordship to declair if he be satisfied, we would be glad to heare him.

Argyle said—Indeed I cannot deny but all this tyme, both before the Confession was subscrivit by the Counsell and since, I have ever found that the question was drawn much narrower nor it was before; for the greatest question ever since that tyme hath been only concerning the government of the Bishops, and that will be the greatest question; and, I think, for the declaration of any uther thing, we did all show that we could be ruled by yow of this Assembly: and, since I am requyred to speake, I must not thinke shame to confesse my ignorance. I neither studied it nor did I see the Bookes of Assembly, and, whenever I was demandit of this, I answered I would not determinatelie say anything till it should come to be considered by a free Assembly, and find what was the constitution of the Kirk. At that time I said, for aught I know, I said, it was a lawfull offee established by Parliament and lawes; and I could not have thought even [when] the Commissioner went away, that things had bein so cleare as they are, and, for my oune part, it satisfies me fullie—that, according to the Constitution of our Church, the Government established at that tyme, when it was first subscrivit, is verie cleare in my judgement.

Moderatour said—There is a lang tyme spent, and therefore we will proceed to state the question—Whither, according to the Confession of Faith, as it was professed in the 1560, 1581, and 1590, (I keip the words of the Act of Counsell, because it is a clause of the explanation of it,) there be any uther Bishops but a Bishop over a particuler flocke? or, Whether there be any to be acknowledged Pastor over Pastors, having preheminence over the brethren? and, consequentlie, Whither all uther Episcopacie, place, power, or preheminence is to be removed out of this Kirk?

#### *Abjuration of Episcopacie.*

Then the Rolles were called, and

Mr Alex<sup>r</sup> Kerse said—The true sentence and meaning of the Confession of Faith being made cleare by these Assemblies, shoves a incompatibilitie betwixt Episcopall Government and Presbyteriall Power, that they are to be removed and abjured out of this Kirk.

Then the whole Assembly unanimouslie in one voice, with the hesitation of ane allanerlie, voided that Episcopacie should be abjured and removed out of this Kirk.

Then the Moderatour spaek—I think there be nane of us heir but we have beine oftentimes calling upon the name of God in secrete and open, that he, and he only who was able to doe it, would have beine pleased to stay the course of defection that was going so fast on. And I think there be nane of us but it was the earnest desyre and wish of, that we might have sene a day to have taken to a consideration, whether we have transgressed the Covenant of God or not, and gane on in a course of defection; and now he has granted us the day wherein we may call all matters to a reckoning, which day we much long for; and many a tyme have I myselfe besought God to stop this course of defection, and so he hes done. Many are the miseries, burdens, and calamities that hes beine upon this poore Kirk thir yeares bygone; and we are scorned by utliers that it was for the brecke of the Covenant of God; and we trust it shall kythlie to the world, when we are dead, that we have turned unto him and renewed it againe. It rests now that we be thankfull unto our Lord for the same; and I

trust there is nane of us that are come heir with ane honest mynd, but they would have bought this day at a deare rate, and given a deare pryce for this voiting, whilk God hes done far beyond our deserving or expectation—and our adversaries neid not to say that it was the voites of a number of Gentlemen and Elders that carried it away; but, blessed be God, that Ministers and everie ane heir present, with great unanimitie, hes gone together without any contradiction, which is a matter of admiration, and a wonder of wonders, for the whilk we know not what we shall rander unto our graceous Lord. Therefore we will not meddle with any uther purpose, but goe altogether and give heartie thankes unto our Lord for this harmony.

Sess. 17.—Dec<sup>r</sup> 10, 1638.

After prayer to God,

Mr John Row declaired—That a brether sone of his, who had bein in Germany and Poll<sup>d</sup> these 13 yeires bygane, was willing, with heart and hand, to subscribe the Covenant, which the Assemblie willinglie accepted.

Then there was a Committie appoynted for gathering and viewing any overture that was to be made for good order of the Chureh in tyme comeing, when we had removed some of the cheefe corruptions—namely:

Mr John Adamsone,	Mr John Row,
Mr James Sibbald,	Mr John Moncreife,
Balmerino, Kinliet, Auldbar,	
James Cochrane,	Gilbert Gourlay,

Moderatour said—We must begin where we endit on Saturday and goe forward in that worke. There is ane great mountaine removed, blessed be our Lord, who have done it. Ye know that in the explanation of our subseribit Confession of Faith, we did oblische ourselves to forbear the practiee of all novations or approbation of the corruptions of the publick Government of the Kirk till a free Generall Assemblie, which hes beine done conscientiouslie by many; and now, blessed be our Lord, and blessed be he ten thousand tymes! and great reason have we to bless him more—and I hope the posteritie that heares of it shall call it a happie work that is past—hes bein done without any contradiction of the voites of the Assembly. Now it rests that we goe to the uther parte—the Inovations already introduced. As for the Service Booke, Cannons, &c., the Assembly hes declaired their judgement of them. By the innovations introduced, I mean, principallie, the Fyve Articles of Perth Assembly, which now is null, and, by consequence, they must fall; yet we are obleist to hear the judgement of the Assembly anent these novations, and, to the end ye may be prepared for voiting, ye shall heare something red concerning these novations; which the Clerk tooke and red. After reading the first concerning Festival Dayes,

The Moderatour said—It is knowne that a festivall and holy day hes, first, a cessation frae a' warkes; 2; There is some service ordained to be done where there is feasting, rejoyceing, or hilaritie, as it is called. That commonlie is called a festivall day. Ye know the Apostles doctrine concerning these dayes; and, altho' there hes bein great dispute about them, I think the brethren heir present are to satisfie what to think concerning them. There is three words that the Apostle uses. The first is to judge of a holy day—that is, to mentaine it in our judgements. The second imports, that we affect it because we esteime of it; and, thirdlie is, to proceed from our estimations and af-



fection to observe it. Indeed the common and rude sort gave an estimation of ane day above ane uther: as Baronius sayes—an yeird of ground is more fertile then ane uther, so there is some dayes produces better effects then ane uther—as the day of Christs resurrection, assension, &c.; and I thinke there are none heir that are judicious, but they can answer to this, and then truelie ye would consider that the Kirk of Scotland is utherwayes oblissed, as ye see by that which is red, then uther Churches. All uther Churches, except the Church of England, and even in it before the latter tymes, it would appcare that they rather speake of these dayes as tollerable then as a contendable observation; and, becaus they cannot amend it and the Church purged, therefore they excuse it. But, for us, we blesse God that our Reformers hes gone so far on as to purge out those dayes from this land. We are not to judge of uther reformed Churches, but to consider what is expedient for ourselves. I have beine grieved many tymes to see the writtings of some divines, upon the Sabath day. They divide holy dayes, in ordinary and extraordinarie dayes, and anniversarie holy dayes, wecklie dayes, and the Lords day. Anniversarie are Pasche, Zuill, &c.; and is it not a fearfull sort of divinitie to matche these dayes with the Lords day? What dispute hes beene concerning these dayes thir ycares past, ye are not unacquainted with, and ye perceave what is attributed to these dayes of mens institution. Even als much is derogat from the Lords day; and therefore, if any of you hes any scruple to propone, there is now a tyme wherein ye shall be heard.

Mr John Row said—Truelie I am perswadit, in my soule and conscience, that, if the Bishops had not beine raised up amongst us, the memorie of these dayes had bein utterlie abolisched, both out of their owne hearts, and hearts of people; and therefore let them goe with the Bishops, in Gods name.

Then the Clerk proceedit in Kneilling at the Communion; and, as some things were cited out of the treatise before the Psalmic Booke, printed at Aberdeen, 1625, where prayer is made against hyreling Papists, that God would confound them. In these that are printed at Aberdeen, Papists are left out. In ane uther prayer, these words, “the Romish Idol,” are left out in reading.

Then Doctor Guild, in Aberdene, desyred that the printer might macke accompt of it, who had bein the occasion of that. And after the Clerk had endit concerning kneilling,

These considerations (said the Moderatour) are not presented to yow concerning the gesture of Sacrament in generall, or concerning kneilling in uther places, but what we should think of it in Scotland, according to the order of our Church; neither doe we yet begin to dispute the question, but only this—Whether it ought not to be removed according to the Confession of Faith, and according to the order of the Kirk of Scotland?

Then the Clerk proceedit in reading concerning the privat administration of the Sacraments and Confirmation.

Mr John Row said—As for Confirmation, it is one of the five bastard Sacraments, and is expressed in our Confession; and seeing Episcopacie is condemned, the imposition of their handes falles lykewayes.

Moderatour sayes—I remember againe how circumspectlie and warilie we have gone on in this busines; not censuring uther Churches, but wishes all thinges may be regulat weill in our owne Church. Neither goe we to trouble any mans conscience

with idolatric, superstition, or any uther thing of that kynd. The question shall be this—Whither or not, according to the Confession of Faith as it was professed in the year 1580 and afterward, festivitie dayes, kneeling, &c., are abjured, and ought to be removed? And if any of the brethren hes any thing to say to clcare this matter, say it.

Mr David Dick said—The first year of my ministerie, when thir thinges began to be agitat, we wer tryed with alse subtle distinctions and insinuations as could be; and, when the matter was brought before our Presbitrie concerning preaching at Zuill Day, the question was made, Whether it was lawfull to preach that day or not? Whereupon I resolved to take the narrowest way I could to try if there were superstition in it; and I waited till the people conveyed that day, having no advertisement of any thing to be spooken from me, but only the ordinar course of prayers. And there I fand the Kirk fuller than ordinar; quherupon I tooke occasion to preach against the idolatric that was lyke to break forth; and this I fand to be exponed athort the countrie for a Zuill preaching; and out of that I learned to make a distinction betwixt the act and honest intention of some that were slidden aff their feet; for they sett downe the act aue way, and pleadit for them ane uther way, and they were prae-tised a third way. I speake not this to excuse the wrong that God hes gotten, but only to excuse some honest mynds *a tanto* onlie.

Moderatour said—In St Androwes, where I live, they profess that they keepe holy these dayes only in tyme of preaching, and yet they have a great bell they ring on these dayes.

Lowdoun said—There is ane thing not to be forgot, that, upon the humble petition of the subjects unto the King, the Kings Majestie hes beene pleased in these Articles given in be his Commissioner, to discharge these thinges by a reall edict; and, withall, did offer to the consideration of the Assembly what thinges they thinke fitt to be represented unto the Parliament; so that none neids to scarre at that. Not only is the Assembly at Perth, which gives auctoritie to them, null, but if any fear the sanction of the civill law, they are abrogat by it also, and full power given to present unto the Parliament what ye thinke farder fitting to be requyred. And for the thinges themselves, let men think of them as they will. The tries are knowne by their fruits. What fearfull obstractions they have bein, usher to all thir thinges that are come since?

Moderatour said—Indeed they have made way for the Service Booke, and are principall limbs of it.

Mr Androw Ramsay said—I allow altogether and think it expedient, that these Articles be removed; but for the information of some I will speake a little. First, What is a holy day? There is twa thinges to make up a holy day. The first is the commandment of God; the second is the duties commandit to be performed that day. This may be evinced and cleared out of the fourth precept—“Remember to keep holy,” &c., and thir twa is includit in the same precept—“He rested”—there is a cessation from worke—“and hallowed it”—that is dedicat to holy uses; therefore a cessation from a’ worke, and a dedication to holy uses, makes up a holy day. So these three makes up a holy day—a commandment, a cessation, a dedication. Now for kneilling at the Communion, it is dissonant to the practice of Christ, and discrepant from the practice of the Kirk; and for the action, a Papist could say that the action of the Communion being ane action of joy, we should not use a humble gesture. If a



Papist conclude thus, much more we. And for privat Baptisme, it is not to be understood when it is ministred in the church or at publick prayers, but when it is ministred in a privat house; for in countrie kirks there is sett doune preaching in week days. As for Confirmation, I altogether condemno it.

Mr Robert Baillie said—For the removing of the Articles of Perth out of the Kirk, I heartilie consent unto it; but to remove them as abjured in the Confession of Faith, so that they all shall be abjured who practised them, I doe not think.

Then the Moderatour stated the question of new againe, and desyrit Mr Robert Baillie to tell his opinion when his voice was speired.

Then the Rolles were called.

Mr Alex<sup>r</sup> Kerse said—All these Articles being at once dead in this Church, had bein revived and preached again by some unlucky birds, becaus it makes for their purpose; and the more that stuff abounds, it addes the more to the vaine lusture and glorie of their Episcopacie, which had neid of much fairding and learning; and, if so be, we should take them from these falcities and idle toyes, it would befall to them as the Poet said, "*Moveat cornicularisum surtibus nudata coloribus*"; and so with heart and affection, I send them, and the revivers of them, both ane way; for they are abjured by the Confession of Faith, and therefore are to be removed.

Moderatour said—I thinke there is no question; but if the question had been made to the Generall Assembly when the Confession of Faith was subscribed, Whither they shall observe Kneilling, Pasche, Zuill, &c., but many would have declaired negativelie; and if ever they had thought that they should have bein introduced upon this Kirk, they would have bein more particular in it, albeit the generall is cleare enough, as it is cleare by the interpretation of the Confession of Faith according to the Acts of the Kirk, that they are abjured, and therefore to be removed. And, truelie, considering the great woe they have brought in this Kirk, we have verie great reason to rejoyce in God, and to give his Majestie heartiethankes that hes brought us to this comfortable conclusion; and ye may see how comfortable a thing it is for brethren to meit together thus in ane Assembly, whereof we have bein deprieved thir many yeares, and that these Articles hath bein the caus of this division. It is notour how many honest and faithfull servands of Christ hes bein put from the ministrie, to verie hard shifts, and are not yet admitted, of whom I thinke notice should now be taken; for in all halciontymes, when sore troubles were blown over the head of Gods Kirk, there hes bein still notice taken of these whom God made sufferers; and ye know how many of ourselves hes bein threatened to have bein put from our places; and if they had gotten their will, there had bein few honest ministers left in the land; and therefore we have caus to blesse God that we are delivered from these corruptions.

Then there was a letter produced from the Bishop of Cathnes, declairing that the caus of his not coming to the Assembly was his bodilie sicknes and his extreame disease, wherein he acknowledges the lawfulness of the Assembly, and declaires that willinglie he had subscribed the Covenant; and it was found that he had not subscribed the Bishops Declinatour.

My Lord Weymes declaired—That he had bein at the Bishop of Glasgow; and he said that the Bishop regrated that he had put his hand to the Declinatour, and told that he had intention to come to the Assembly, but the Commissioner diswaded

him; for Declinatour, sayes he, they urgit him with it, and he did it in great suddentie, and repents it; and said he would take his hand from it were it not that it would be disgraceful to him; and when I desyred him to give two lynes under his hand declairing his submission to the Assembly, he said he had not his wittis about him, and desyred the Assembly that he should be dealt with as those who had submitted themselves. And the Assembly answered, that since he was amongst the subscrivers of the Declinatour, he behoved to have his owne place.

[Bishop of Edinburgh.]

Then there was Articles of Accusation given in against Mr David Lindsay, pretendit Bishop of Edinburgh; and he was called upon and his procurator, and his proces red, and probations thereof.

Then Mr Androw Jaffray and Sir John McKenzie declaired that they saw him bow to the altar. Mr Andro Kerr and [George] Dundas saw him dedicat a kirk after the Popishe maner.

Then the Rolles wer called.

Mr Alex<sup>r</sup> Kerse said—He is a violent brecker doune of the hedge whereof I spacke the last day; and, seeing he continowes obstinat, let the sentence of excommunication byte him.

And the whole Assembly in one voyce voited to his deposition and excommunication.

Then the Moderatour said—Ye see the Assembly agries, without a contrare voit, that he shall be deposed from his present office of Episcopacie, and from all function of the ministrie. I am perswadit that this Assembly is seeking their salvation allan-arlie; and we know no other remeadie for gaining their soules but this only; therefore let us doe it out of compassion to the Kirk of God and him also.

[Bishop of Aberdeen.]

Then the Bishop of Aberdeines proces was red, and the probation thereof.

Mr John Row declaired, that he subscribed the Protestation given in to the Parliament 1606, and that there was no man more against Bishops in the toune of Stirling nor he; and he was mightilie offendit at Mr John Grahame, who was taking a bishoprick; and, since that, all the brethren here present were in mynd he should be given to the Divell for betraying the liberties of the Kirk; yet, nevertheless, he was the man that tooke out the bishoprick out of Mr John Grahames hand. I remember when he subscrivrit the Protestation, he subscrivrit verie neir the end of the paper, and it began to weare; when he began to get the bishoprick, we said he was going to loupe the dyke.

The Moderatour said—Mr Patrick Symsonne said to me, he never lyked Mr W<sup>m</sup> Coupar, and Mr Adam Ballantyne; for they were too violent against Bishops, without any light, or good reasons; and, therefore, he feared that they should never be constant.

Auldbar and Mr David Lyndsay declaired that they, being in the Bishops house, when Auldbar said, "The only meane to take away abuses and disorders in this Church was a free General Assembly," he arose in a great flame and passion, and said, "The first article that he would make then will be to pull the crowne off King Charles head."

Moderatour said—Though his hand be not at the Declinatour, yet he has not submitted himselfe to the Assembly, and this would be considered beyond the rest, (I may call it so,) his apostacie; for the being once of our opinion, and now so far degenerat, that he is become *osor sui facti*.

Mr Androw Cant said—There entered a contest



betwixt Craigievar and this Mr Ballantyne, concerning the patronage of the Kirk of Kinghorne, and was long agitat before the Lords. Alwayes Craigievar presented a Cusing of his, and the Bishop impedit him, pretending that the King had the right, and, consequentlie, the Bishop of Aberdeine. At last, the Bishop gave Craigievar 160 merks to desist, to the end that the Bishops sone might get the place.

Mr Thomas Mitchell declaired that he was present by accident when he did consecret a chappell, the chappell being richlie hung, and all the rest of it. The lady came in, and gave him a catalogue of the things that are within, which she had wrought with her owne hands, and desyred that they might be dedicat to God, and so delyvered the key to the Bishop, who went in and preached a sermon of consecration, and baptized a child, and then went to their feisting. His text was upon Solomons dedication of the temple.

Then the rolles were called.

Mr Alex<sup>r</sup> Kerse said—Besyde that he is guiltie of the breake of the Caveats, there are many grosse faults proven against him; and therefore, albeit he hes not subservyt the declinatour, he deserves deposition and excommunication. And the whole Assembly voited the samine, execept Mr Richard Inglis, and two or three more, who voited onlie to his deposition.

[*Bishop of Ross.*]

Then the Bishop of Ross was called on, and his procurator, and proees red and the probation thereof.

The Provost of Dumfries said—That when he was in their toune on the Sabbath day, they expected his comeing to the kirk, and layd cushoons for him; yet he came not, but went to a exeommuniat Papists house, and stayed all day.

Lowdown said—He was sent up to Court by the Counsell of the Bishops for the Kirk, that order might be tane for Papists; and, instead of that, he brought doune Artieles from them, and newis came to this toune to givo in the Bishops Declinatour.

Then the rolles were called.

Mr Alex<sup>r</sup> Kerse said—He is the vive example and perfyte paterne of a proud Prelat, and enters in composition with the Pope himselfe; and, therefore, let him have his due deposition and exeommuniation. And the whole Assemblie, in ano voice, voited the same.

[*Bishop of Dumblane.*]

Then the proees against Mr Ballantyne, pretendit Bishop of Dumblane, and the probatione thereof, was red. The rolles were called.

Mr Alex<sup>r</sup> Kerse said—I heard, of late, a notable sermon by a brother in Edinburgh, wherein he sent him to the land of Nod: and let him be sent there and arceasted there, with deposition and exeommuniation. And the whole Assembly, in ane voyee, execept Keir, voited the same.

Then the complaint ag<sup>t</sup> Mr James Forsyth, minister of Kilpatrick, was given in; and, efter the reading of the proees, and probation thereof,

The Moderatour said—I think there is two great faults in that proees; that, upon the Saturday before the Communion, (at night,) the Sunday morning, he was writting of summonds to send athart his paroehe; and, upon the Sabbath day efter the first sermone, when the tables were going to serve, he brought ane Officer at Arnes to the end of the communion table, in presenee of 1600 communicants, and caused him reid Letters of Horning. And lykewayes he hes both deelyned the Presbitrie and

the Assemblie. He is alreadio suspendit; and, therefore, ye are to give your judgement whither he merits deposition or not?

Then the rolles were called, and the whole Assemblie voited to his deposition.

Moderatour said—We hope God shall give him repentance, that he may make use of his gifts afterward; but, for the present, I, in name of the Assemblie, discharge him from all function in the ministerie, and declaires his place to be vacant.

Sess. 18.—Dec<sup>r</sup> ij, 1638.

After in calling upon the name of God,

The Mod<sup>r</sup> nominat some for clearing of the proees against the Bishop of Cathnes: Alex<sup>r</sup> Monro, Mr W<sup>m</sup> Gray, Mr George Gray, Mr [George] Leslie, Mr John Murray of Pennyland, to conveine at my Lord Eglintouns lodging.

[*Bishop of Orkney.*]

The Moderatour said—There are heir two writes come in my hand concerning the Bishop of Orkney. The ane may be proven by witnes in this house, and the uther is more large, punetualie deduced and subservyed be 12 ministers of Orkney. If the generall satisfie you not, ye shall heare the partieular.

Then Mr George Grahame, pretendit Bishop of Orkney, was called on, and his proees red, and probatione thereof. After the reading thereof,

The Moderatour said—Ye see what he hath committed against all the Caveats, and what tyraniell usurpation he hath exereised above the ministrie, and many uther partieulars which ye heare in the proees; and, notwithstanding of all this, he hath be his letter offered a kynd of submission to the Assembly, in saying, if God spair his lyfe, he will be readie to doe and answer whatever the Assembly shall impose and requyre; and, lykewayes, he hes not subservyed the declinatour, and, therefore, it would seeme that he deserves not such a sentence as some uthers.

Mr Walter Stewart objected that there was nothing in his letter which could import a formall submission; but was rather to be understood of his intention to answer to what was to be layed against him.

It was answered by my Lord Lowdown, that it was a materiall submission, howbeit not formall; and to this answer the Assembly applaudit.

Furthermore, Mr Walter Stewart declaired, that he had gotten information, under the clerks hand writt of Leith, that there was a gentlewoman there present delivered of a ehilde, and she declaired that Mr Patrick Oliphant, minister at Scheitland, sister sone to the forsaid Bishop, was father to the chyld, and this the Bishop knew before Lambes, and, notwithstanding, tooke no order therewith.

Then the Moderatour answered—Whither or not the pretendit Bishop of Orkney, (not having subservyed the declinatour, and given in a materiall submission to this Generall Assembly,) should be deposed, or have any further censure? To the which, after calling of the rolles, the Assemblie did agree; and, farder, if he did continow obstinat, he should be exeommunicat.

[*Bishop of Murray.*]

Then there was given in a proees against Mr John Guthrie, pretendit Bishop of Murray, wherein it was found that he had transgressed all the Caveats. It was objected that the Assembly could not proceed against him, in respect he was not personallie



summondit. The clerk answered that he had summoned him at the Kirk of Edinburgh and Leith, the ordinarie places of citatione in ecclesiastieall causes. 2<sup>die</sup>, That he was personallie summoned; but the executions of the summons was not produced; 3<sup>die</sup>, It was answered, that the 2 Caveats oblessed every ane of them to compeir before everie Assemblie, to make aecompt of their doings; 4, That the protestatione was suffieient, protesting that it might be instead of summons for them.

Mr Andrew Cant said that he knew him to be a common ryder on the Sabbath day, and lykewayes that he was a prettie dancer, as Mr Thomas Abernethie can testifie. At his daughters brydell, he danced in his shirt. Lykewayes, Mr Andrew said, that he conveyed some gentlewoman to a chappell, to make a pennance, all bair footed. This Mr Thomas Abernethie declaired to be of trneth.

Mr Frederick Carmichael said, that the Bishop being, by occasion, ryding from the church on the Sunday morning, he was desyred to stay all the night, becaus it was the Sabbath day. He answered, he would borrow that piece of the day from God, and be as good to him some uther gate.

The Moderatour said—I think, though he hes not subservit the declinatour, yet deposition should passe against him, if the Assemblie thinks it good; and, if he declair his contumacie afterward, when the sentence of the Assemblie comes to his hearing, they will declair that he shall be worthie of excommunication.

Then the rolles were called.

Mr Alex<sup>r</sup> Kerse said—His not subservyng the declinatour deserves some mitigating consideration. Therefore, I think he should be deposed for the present, not exeeming him from excommunication, if he continow obstinat; for he deserveth both; and the rest of the Assembly voited the same. Some voited that he should make his repentance in the church of Edinburgh, where, he said, he w<sup>d</sup> be more vyld in the eyes of uneals, for the pleasure of his king. Twelfe did voite he should presentlie be excommunicat.

[*Bishop of Glasgow.*]

Then the Bishop of Glasgow was called on, and his proces red.

Mr David Lindsay said—I and Doctor Guild went in to him, and we represented unto him the fearfull caice he was in till that he did submitt himselfe to the Generall Assembly, and pas from his declinatour. He began to make a numeration of the good turnes he had done in favours of this Kirk against Papists, and requested the Assembly, for Gods caus, that the sentence of excommunication might not be given out against him till the latter pairt of the Assembly.

The Moderatour said—It would seem, that, notwithstanding the Assembly shall find him worthie of excommunication, yet, if betwixt the decret and pronouncing of the sentence, he shall give his submission, the sentence of excommunication shall be suspendit.

Mr George Young declaired—That my Lord Lindsay Sinclair, Mr Andrew Ramsay, and himselfe, had bein presentlie in at the said Bishop, and whilllas, by your Lordships advyce, he was condescending upon some doctrines for satisfaction of the Assemblie, the said Mr George Young declaired that he drew up a writt what he was speaking and gawe it to himselfe to read, and, as he was reading it, he swarfed; and, after that, he protested that he could not take it to his consideration for that tyme, and therefore besought the Assem-

blie, for Gods caus, to delay the sentence for the tyme, and desyred that his former lyfe would be tane notice of, and that he was never violent in urging the novations; and, for the declinatour, he said it was not only offered unto him, but he was commandit to subscryve it.

The Ministers of Glasgow answered—That there was no man more violent in urging the Service Booke, &c.

Mr Alex<sup>r</sup> Spittall declaired that the said Bishop did transport two Ministers at his oun hand, without the advyce of the Presbitrie or Paroches. Then the rolles were called.

Mr Alex<sup>r</sup> Kerse said—It is a heave matter that ane of his age should choose to die under a vaine title of honour, and to east him under the danger of such a unhappie viaticum, and not rather to joyne himselfe with this honourable Assemblie. My opinion is, that he be presentlie deposed, and, if he did not submitt himselfe to the Assemblie before it end, let him be excommunicat.

Then the rest of the Assemblie voited that he was worthie of deposition and excommunication, but that his excommunication should be delayed, to try if he would submitt himselfe.

[*Bishop of Argyle.*]

Then the pretendit Bishop of Argyle, Mr James Fairlie, was called on, and the Articles proven, before the Committie, wer red: whereon it was found that he had broken the Caveats, and uther guiltinesse beside.

Moderatour said—There are diverse degries of guiltinesse, and, proportionallie, there should be degries of censures; and, if the Assemblie thinke good, let these be deposed, and, upon their repentance, let them be received to the Ministerie. Then the rolles were called.

Mr Alex<sup>r</sup> Kerse said—It is said of one that he was so vigilant a Consul that he slept nane all his tyme, for he was entered in the morning and put from it ere night. So was it with this Prelat; for he sleipit but few nights in his Episcopall nest, and was not weill warned in his Cathedrall chyre, whill both chyre and euschane was taken from him. Therefore, depose him only; and, if he obey not the sentence of the Assemblie, let him be excommunicat. The Assemblie voited the same.

[*Bishop of the Isles, &c.*]

Then was the Bishop of the Isles called on, and his proces red. The rolles being called, the Assemblie did all agrie to his deposition; and, concerning the order of his repentance or excommunication, let it be thought upon afterward.

The Assemblie concludit that the Billes should come in only according to the order of the rolles. A reverend Father, Mr William Livingston, Minister at Lanark, gave in his excuse to the Assemblie. Because of his sicknes he behooved to retire hame, and cravit leave of the Assembly, whilk was granted.

Then the Complaint was given in against D. Andro Lawmont; was remitted to the Presbitric of Kirkealdie, and the Commissioners of Coupar and S<sup>t</sup> Andrewes were joyned to them.

Then there was a proces given in against Mr John McNaught, Minister at Chirnside; and, after the calling of the rolles, the Assemblie voited that, for deserting of his Paroche, deelyning his Presbitrie, and preaching of Arminian doctrine, he absolutelie should be deposed, and his kirk declaired to be vacant.

The proces against Mr Francis Harvie was referred to the Commission at Edinburgh.



Then Mr Thomas Fosters procès was given in, containing many grosse and blasphemous poynts; and, after the calling of the rolles, the Assemblie voited that such a minister as he should be put off in a singular manner, and deposed from the ministerie.

Sess. 19.—12 Dec<sup>r</sup> 1638.

*Bishop of Dunkell.*

After prayer to God, there was a letter red, from Mr Alex<sup>r</sup> Lindsay, Bishop of Dunkell, wherein he had declaired, that he had subseriyed their Covenant—that the Assemblie was lawfull—and that he submitted himselfe to it, and supplicat the Assemblie that he might die a Minister at Lyneydors. After that his proces was red,

The Moderatour said—Ye heare what is said against him—the common Episcopall transgressions, and many grosse thinges besyde; and it would seeme verie hard that he should be continowed in the Ministerie, except he make his publict repentance, and make some discourse of the Corruptions of the Kirk; and, if he be not able to come to the kirk, let some brethren of the Ministerie, of the gravest number, be sent to him to be witnesses of his recantation and repentance.

Then it was questioned whether the foresaid Bishop should be deposed from the Bishoprick, and all functions in the Ministerie, or whether he should be deposed from his Prelacy only, and, according to his desyre, continowed Minister at Lyneydors?

Mr Andrew Cant said—I lyke the Bishops notion weill, that desyres to die a Minister; but it is to be feared that he have respect to his owne credit and meanes, as in former tymes, and so many poore saules disappoynted.

Mr David Dick said—If we believe that Episcopacie is such a wrang to the Crowne of Christ Jesus, and to this Kirk of Scotland, and we believe that the making of so many saules to starve you way, it is a bloodie sin before God. We must have a speciall cair of restoiring God to his honour; and, therefore, how sicke soever he be, he can write a letter of his full dimission and repentance, utherwayes let him be deposed and excommunicat.

Lowdown said—Howbeit he had sent a formall dimission to the Assembly, it is necessar to use deposition, and, I thinke, what is done heir should be drawn up and sent to him, that he may make his dimission formall, and may restoir what he hes wrongouslie detained pertaining to the Kirk.

After much reasoning to and fro,

The Moderatour stated the question—Whether or not upon his dimission, which is singular, he shall be deposed, not only from his Prelacie, but from all function of the Ministerie? Then all the rolles were called, and all the Assemblie except 20, resolves upon this—That he shall be deposed from his Episcopacie; yea, and from the exercise of all Ministeriall function, till such tyme as he satisfie by his paines these who are sent unto him by the Assembly, whose names follow:—Mr Robert Murray, Mr John Robertstone, Mr Alex<sup>r</sup> Petrie, Mr George Muschet, Mr W<sup>m</sup> Menzies, Mr George Symmer, Mr John Robisoune; the quorum fyve. The provyding of the kirk of Lyneydors, and a competent allowance for it was referred to the Presbitrie.

[*Bishop of Cathnes.*]

Then the Articles against the pretended Bishop of Cathnes was given in. After the reading thereof,

there was some of his noble friends desyred that he might be continowed in the functione of the Ministerie since he hes acknowledged the Assembly and subseriyt the Covenant.

Lowdown said—He behooved to be deposed and suspendit from any function of the Ministerie, till he take him to a particular flock.

The Shirreff of Teviotdaile said—That he was willing to have tane him to the Ministerie, but the High Commission put him from it, and would either have him keip his Bishoprick or quyte them both. Lykewayes, within this short tyme, there was a fast indicted for the good of the same caus, and Mr James Burnett, the Minister of the Paroche, would not keip the fast. He keipit it in his house, and a number of the Paroche resorted to him, and he may doe good in that Paroche, for the people hes a love to him, and a great detest to their Minister.

Moderatour said—There is a difficultie in it. We cannot for the present interpret him to be a Minister, becaus he hes not a particular flock; and so it would seeme the greatest favour the Assemblie can do to him is this—that upon his repentance they may admitt him to a particular flock.

Lowdown declaired that when the High Commission put him from the Ministerie, he gave in a protestation against Mr James , whom they put in his place; and there is 50 in Jedburgh that subseriyt the protestation.

The Moderatour said—The question is concerning his deposition; for I thinke ye doubt not of his Episcopall office; but whether he shall be deposed from all function of the Ministerie?

Then the rolles were called, and the whole Assemblie agried upon his deposition from his Episcopall office; and, upon his repentance, to be admitted to the Ministerie.

Mr Andrew Rollock, Minister at Duncce, declaired that he had ignorantlie subseriyed the Bishops declinatour; and now, having gotten light, he was content to pass from it.

Moderatour said—There are a number of the Bishops who are ordained to be excommunicat, and now we are to consider the tyme when it shall be done—the persones that shall pronounce the sentence—the place where—and the maner how it shall be done; or whether the sentence shall be delayed any longer or not?

Lowdown said—The delaying of the sentence would seeme to be verie prejudiciall. For these that are absent out of this toun, there is no appearance that we shall get them to deall with; neither is there any appeairance of their repentance as yet who hes subserivet the declinatour: And becaus we know not what interruptions may be shortlie, it is good to make use of the occasion which God, of his great mercie, offers to red his Church of them; and it is the justice of God recompenceing their pride, on the ane hand, and the trumpet of his mercie to recall them to repentance, if it be possible, on the uther hand; and so the delay of such a good worke seemes to be verie dangerous. As for the place, where ye are seemes to be verie fitt; and for the persone, doubtlesse it must be yourselfe who is the mouth of this Assembly, to pronounce the Judgement of the Assembly against them, that this Kirk may be delyvered from the thraldome it was in.

The Moderatour said—There was no practice of the Kirk for that, and that Bishop Adamson was not excommunicat by the Moderatour of the Assembly.

Nevertheless, the Assembly desyred that the Moderatour himselfe would take it upon him, and



that he should delyver a Sermon in the same church the morne at Ten hours, and let them be excommunicat. This was concludit be the consent of the whole Assemblie.

Mr James Cunninghame, Minister at Sum . . . oke, gave in a Bill to the Assembly, desyreing earnestlie that he might be transported, for many weightie reasones, such as his age and unabilitie to travell throw that parochie, being 9 or 10 myles boundes, and having small meanes of provision; that for thir thrie yeares he gat no stipend, and many uther pressing difficulties which the Assemblie fand to be truc, and granted him libertie of transportation, by advyce of the Presbytrie, when God sends occasion.

Sess. 20.—Dec<sup>r</sup> 13, 1638.

[*Deposition of the Prelates.*]

[In the MS. from which this report is transcribed, the Sermon by the Moderator and Act of Deposition of the Bishops, appointed at the former sederunt, are entirely omitted. As, however, that was one of the most solemn and important proceedings of the Assembly 1638, we deem it iucumbent on us to supply the void; and we have been so fortunate as to become possessed of the means for doing so. In the year 1762, Alexander Henderson's Sermon, including the Act of Deposition, was published in a small pamphlet, entitled, "*The Bishops' Doom*," of which the whole title and a prefatory note are subjoined;\* and although the particular record from whence that publication was taken is not specified in the note, we find its tenor corroborated by Mr David Laing's MS. Report, formerly referred to (p. 128), in which the Sermon is given. These two copies we have accordingly collated, and what follows, therefore, may be considered as substantially correct.]

\* "*The Bishops' Doom*. A Sermon preached before the General Assembly which sat at Glasgow anno 1638, on occasion of pronouncing the Sentence of the greater Excommunication against eight of the Bishops, and deposing or suspending the other six. By Mr Alexander Henderson, moderator of that and several subsequent Assemblies. With a Postscript on the present decay of church-discipline. Edinburgh: Printed by John Gray and Gavin Alston. Sold by them at their printing-house in Jackson's close, and by W. Gray bookseller in the east corner of the Exchange. MDCLXII.

"*Advertisement.*—It must be observed in justice to the venerable author of the following sermon, that by the journal of the general assembly 1638, he had only allowed him from the evening of the preceeding day to study that sermon. His thoughts, amidst such a multiplicity of work as was then on his hand, beloved also to be much perplexed; and his sermon, though subjoined at the end of that journal, seems only to have been taken down in the time of delivery by an amanuensis. Yet, mank as such a fragment is, it seems worthy of being preserved; and the same will, it is hoped, prove useful not only for vindicating the practice of that assembly, but also for stirring up others to attempt a faithful discharge of the like duty, upon grounds equally relevant, as necessary not only for reclaiming the impenitent, but also as an indispensable testimony to the truth of our Lord's dominion over the Church."

## SERMON.

Psalm cx. 1.

"The Lord said unto my Lord, Sit thou at my right hand, until I make thine enemies thy footstool."

For taking up the meaning of this text, we need only have recourse to a commentary that the Lord himself makes upon it in the gospel, Mark, xii. 36: for he asked of the Pharisees concerning the Messias, *Whose son is he?*—they answered, *The son of David*. He replies, *If he be the son of David, How is it, then, that David, by the Holy Ghost, calls him his Lord?* And so we have here a testimony of the Spirit speaking in David, a thousand years before Christ came in the flesh, that the Word would be *made flesh*, and that he would set up his tent and tabernacle amongst us; for so is *the word* that is used in the 1st of the gospel according to St John rendered; and that amongst the children of men he should drink of the brook, *i. e.*, stiff, bitter things, as is expressed afterward in the psalm; and that he having done so, would be exalted above all creatures in heaven, and, in the fulness of his glory and majesty, sit down at the right hand of the Father, and should from thence rule and dispose upon the affairs of his Church magnificently and mightily, according to the worthiness and excellency of so great a king and so glorious a majesty, till at last all his enemies, both foreign and intestine or domestic, should be brought low, and made his footstool; and as they had trodden upon the holy blood of the Son of God, he should tread upon them, and pour shame and confusion upon them, and utter banishment from his face for ever.

Right honourable and well-beloved, we are but short-sighted naturally; we look upon persons and things that are present, and cannot look afar off to things that are past, neither have we a very great prospect to look forward to things that are to come. And as our sight is short, so it is weak also: if we but look upon things here below, our eyes are soon dazzled with the splendour of them, although, when all is done, their lustre be not great; we cannot get in with our sight to things that are above. But if we will take the right view of this text, it would help us both in the one and in the other; for you see it leads from that which is past to that which is to come.

"The Lord said." This hath an eye to the time to come. There is a time coming when all the enemies of God, the most proud and insolent of them, shall be made the footstool of God, shall be brought low, and made base and contemptible. And it helps us to lift up our eyes from things on earth to things above, especially to Christ himself, who is in the highest heavens, at the top of glory and majesty, the right hand of the Father. "The Lord said unto my Lord, sit thou at my right hand," &c.

In these words, beloved, we may see three parts, which determine our method of speaking. The *first* is the calling and ordination of Christ unto his kingdom: "The Lord said unto my Lord." The *second* is the dignity and glory to which he is exalted in his kingdom: "Sit thou at my right hand." The *third* is that glory and triumph that shall be manifested in him at last: "And his enemies shall be made his footstool." I shall speak very shortly of these, because ye know preaching is not this day's principal exercise.

We begin with the *first*, the calling and ordination of Christ unto his kingdom: "The Lord said



unto my Lord." Here ye would look first unto the saying and then unto the persons: "The Lord said unto my Lord." Ye know we used to observe, that there be two sorts of speech or sayings: one that is secret within our breasts, and which we keep in silence within ourselves, as long as we think convenient; another is the expression of our thoughts, when we think meet to make them known. Ye know there is one uses to be called *λογος ενδιαθετος προσωρισμος*. Like unto these two, there is in the Lord, (1.) His purpose, counsel, and decree, kept secret within himself. (2.) There is the expression, or the manifestation and proclamation of his purposes and decrees unto the children of men, after what manner and in what measure it seems good unto his wisdom. Of the *first*, the second psalm speaks, "I have anointed him to be King;" and there the reason is given—"Thou art my son," &c.; then there is the revelation of it—"I have declared the decree." Many times was this said before Christ's coming in the flesh, and the prophets are full of it. I need not spend time on it, especially in such an audience as this. Now, this is laid down as the ground, "The Lord hath said:" his decree, prophecy, and predictions are laid down as a ground of this princely office of the kingdom of Christ, and of that high glory and dignity to which he is exalted; for what the Lord has said, it must be done of necessity.

There is a very great difference between the sayings of men and the sayings of God; for man's sayings are nothing else but the expression of his thoughts and affections of his mind; but, when the Lord speaks, he not only expresses what he will have done, but also there is an effectual power accompanies his saying, that cannot be resisted, but must of necessity come to pass. Again, when we speak, we must speak to them that are, and that have ears to hear, and understanding to conceive, or else our speech is in vain. But, when the Lord speaks, it is otherwise; he speaks to them that are not, and makes them to be; he speaks to them that have nothing of the second creation, and, by his Spirit, he creates it in them; by his speech, he makes darkness to be light, he speaks to them that are dead in sin, and by his Spirit puts life in them, new sense and understanding. *Thirdly*, Our speeches and sayings have need to be confirmed by reasons and arguments; and, therefore, we support them as strongly as we can. But when it pleases God to speak, he speaks so as he needs no argument: he bids a man leave his trade, and follow him; and the man will never ask the reason, because he convinces him fully, and persuades him irresistibly. *Fourthly*, It is in vain for us to speak to any that have no ability or power to do what we desire. But the Lord will bid them do that has no power, because, with the commandment, he infuses strength for the performance of it.

It is a good ground that is brought here of the exaltation, dominion, and dignity of Christ—"The Lord said unto my Lord, Sit thou," &c.—for he having said it, who can say against it? who can resist it? The powers of hell, nor any powers in heaven, or in earth, suppose they were all joined together, cannot obstruct him. If the Lord hath said it, it must come to pass. Christ must be exalted, and his Kirk established also. Ye know that in the 2d of Daniel, the prophet, speaking of the kings of the earth, prophecies of another kingdom that Jesus will set up; and he sets it up with this promise and quality, "that it shall never be destroyed;" he that sets it up, shall uphold it; as sure as it is once exalted and set up, it shall never be destroyed, albeit the devil, and all his accomplices and sophisters, with all

their wit, were against it. Dan. vii., 13, 14:—"I saw in the night visions, and behold, one like unto the Son of Man came with the clouds of heaven, and came to the Ancient of Days; and they brought him near before him. And there was given him dominion, and glory, and a kingdom, that all people, nations, and languages should serve him; his dominion is an everlasting dominion, which shall not pass away, and his kingdom that which shall not be destroyed." Luke i. 33:—"He shall reign over the house of Jacob for ever; and of his kingdom there shall be no end." And, Acts ii. 36:—"He hath made him both Lord and Christ." Then, beloved, let us build upon this ground against all the devices, stratagems, and conspiracies of the world. Certainly he is Lord and King, and he shall endure so world without end.

It were a good thing for us, if we could learn to take up the conjunction that is between God and his Son Jesus Christ in his kingdom. I speak it, beloved, for this cause, that there is a kind of natural theology that men pride themselves in, that they gather partly from the works of God, which a natural man may observe and consider, and partly from natural reason. But this is not all; we must take heed, that although it cannot be denied that there is a natural sort of theology, yet we must advert that there is no natural kind of Christianity; for the natural man, by looking on all the works of God, and blowing up the sparks of nature all that he can, shall never be able to know Christ, or receive him, before it be revealed and proclaimed in the gospel; nay, when he hears it, he will condemn it for the greatest foolishness in the world. Therefore we would not please ourselves with this natural knowledge of God, but seek to know God in Christ. This is true Christianity. He that knows not Christ knows not God; he that resists Christ fights against God; he that believes not in Christ—please himself as he will—he believes not in God; and he that obeys the voice of Christ obeys the voice of God. I am assured many men, both in church and commonwealth, and many that preach theology, and perhaps Christianity, to others, consider not this, but please themselves in a natural sort of knowledge; and they go easily through with their forms; and all because there is nothing in nature to oppose the work they are about; but the children of God find a great difficulty—the infidelity of their heart, and other-like ills, fight against it.

Had the men who are to be censured and excommunicated the knowledge of Jesus Christ—notwithstanding that some of them preached him often, and all of them sometimes—I verily believe they could not have gone on so long in this course, and stood it out with such obstinacy and contumacy. Therefore let us learn, by their example, to search for the knowledge of God through Christ; for they are so joined together, as there can be no separation; and as they are joined betwixt themselves so they must be joined in our knowledge. It is not possible for you to know God but by the knowledge of his Son; and if we know not the consolation, virtue, and power of Christ, we cannot know the comforts, power, and virtue of God himself, but must remain strangers to the knowledge of God; for there is no comfort, virtue, nor power for life everlasting, but only through Christ himself.

"The Lord said unto my Lord." You see here again, that the ground of the calling of Christ unto his princely office is from the saying of God—"The Lord said unto my Lord." As he was called of God to be a prophet and a priest, so it was God that called him also to be a King. These three



offices are all lawful offices in themselves. And likewise he was lawfully called unto it ; for the Lord said it. And these two things, beloved, are necessary for a man that undertakes a calling. One is, that the office itself be lawful, and have warrant from God that the Lord has said, I will be served in such a place, and in such a function and calling. 2. When the office itself is lawful, a man must be lawfully called unto it. For ye know there is a difference between these two : sometimes the office may be lawful, and the man not lawfully called to that lawful office ; and sometimes it comes to pass that men are called to unlawful offices ; not that any man can be lawfully called to an unlawful office—and this is especially true in churchmen and the office-bearers of the Church. God hath permitted greater diversity of offices, and administration of these offices, to be in the commonwealth, than in his Kirk ; because in the government of a state or commonwealth, there may be sundry forms of government and administration of justice, and all lawful. Kings may have governors and others acting under them ; but it must not be so in the house of God. All the offices in God's house, from the highest to the lowest, if I may lawfully say highest and lowest, must have a warrant from God ; and men cannot say they are called of God, except their calling be from God, and have warrant from divine authority.

Beloved, I put no question but there are divers amongst us that have had no such warrant for our entry to the Ministry as were to be wished. And although the calling itself be not only lawful, but laudable, necessary, and commanded of God, yet, alas ! how many of us have rather sought the kirk, than the kirk has sought us ? how many have rather gotten the kirk given to them, than they have been given to the kirk for the good thereof ? And yet there must be a great difference put between these that have lived many years in an unlawful office without warrant of God, and therefore must be abominable in the sight of God ; and these who, in some respects, have entered unlawfully, and with an ill conscience, and afterwards have come to see the evil of this, and to do what in them lies to repair the injury. The one is like a marriage altogether unlawful, and null in itself ; the other is like a marriage in some respects unlawful and inexpedient, but that may be mended by the diligence and fidelity of the parties in doing their duty afterward ; so should it be with us who entered lately into the calling of the Ministry : if there were any faults or wrong steps in our entry—as who of us are free ?—acknowledge the Lord's calling of us, if we have since got a seal from heaven of our Ministry, and let us labour with diligence and faithfulness in our office, and particularly to be faithful in this, to get them expelled and put out of the Church whose office is not from God, such as these men against whom we are to proceed with the censures of the Kirk.

Now I come to speak of the persons. “The Lord said unto my Lord.” If ye will cast your eyes upon the words, ye will perceive that there are three ranks of persons here. There is, 1. THE LORD ; he that was, and is, and shall be for ever. 2. There is my Lord Jesus Christ, who, after a special manner, is the King and Sovereign Lord of his Kirk, whom he has redeemed with his own blood. 3. There is a king here, David, who calls him *my Lord* : “The Lord said unto my Lord.” David calls Christ his Lord. And I may add a fourth, which may be understood by analogy, and that is the people of God under David. And thus ye shall

draw out the line the full length, and make the subordination perfect, consisting, 1. Of the Lord above, to whom there is no match or equal, whose will is an absolute law unto all. And although men curiously dispute, if there be any cause, ground, or reason of the will of God, there is no question but in God himself there is a reason ; but looking downward to us, the highest reason is the will of God—he who is divine and unsearchable Wisdom, is a rule for himself of his own commandments ; but for us there is not another reason but his will ; for he stands absolute in his sovereignty, none above, nor any equal to him. 2. Then the next degree comes : he who is here called my Lord, Jesus Christ the Son of God, whose will is full and perfect, conform to the supreme will of God ; and there can be no more a division between the will of Christ and the will of God, than there can be a division of two natures in the person of Jesus Christ. Now, as these two are sure, 1st, The sovereignty of God in his will ; and, 2dly, The Son of God perfectly conform to him ; were it not a happy thing if kings, and princes, and superior powers would all strive to have their laws and actions, especially and principally in the worship of God, conform to the will of Jesus Christ, and these to stand in their own place of subordination under Jesus Christ, and then the fourth will come in very well—to wit, the people of God : first, the Lord ; then Jesus Christ, his son ; next, the king, prince, or supreme magistrate ; and the people under them submitting themselves to their king and prince. And thus ye may perceive the right line in the course of government, and the right way of subordination ; and there is no other right way beside this. And whenever men begin to go out of line, and forget their own subordination, then these that are under them become no way subject to them, because they go out of the right order ; but they must look to them that are above them, and hold their eye on these, and so they will keep the right line. “He that follows me,” says Christ, “must forsake father and mother ;” then, when the father and mother go out of line, we must not follow them, because we are bound to subordination unto God. In like manner, if a prince or a magistrate, who had such subordination from God, depart out of the line, and command things unlawful, shall the people obey them, and go out likewise from under the line ? No, no ; whoever departs out of this line, cannot have peace and protection of God, and the sweet influences that comes down alongst to all that keep themselves under this line ; for the blessing of God comes down the straight line of subordination, and they keeping the line are sure to get a blessing. So did Daniel, he held his eye upon this line ; and when Darius the king goes out of the line, he is forbidden by the God of heaven to follow the king, but directs his eye upon the line to Jesus Christ. Beloved, it is now counted jarring contention, and a turbulent humour, for men to refuse subjection to every thing that superiors please to command : but ye may see clearly what is obedience, and what is disobedience : it is not obedience to follow the humours of men, that goes out of this line ; but this is obedience, when they obey them that are above them in the line. Therefore we should look to two things, when we hold our eye on this vista—1. We should consider whether these that are above us have their calling from God or not, and if they be our lawful superiors ; and if not, then have they no place in this line ; for there is here God, Christ, king, and the people ; and so unlawful superiors have no place here. 2. If they be our lawful su-



periors, look if their commandments be lawful: for in so far as their office is unlawful, they go out of the line; and if they be unlawful superiors, we owe them no obedience: and this day's work is to delete the names of such superiors out of this line. Again, when our lawful superiors, to whom we owe obedience, command what is unlawful, we are not bound to obey them. Therefore, let all and every one of us, as we would that the drops of the sweet influences of God's spirit should come down upon us, hold ourselves under the line, otherwise the blessing shall fall upon them that keep the line, but never a drop upon these that are transgressors, or goes out of it.

We come, in the next place, to speak unto the dignity and dominion unto which our Lord Jesus is exalted—"Sit thou at my right hand." As I told you before, it is not my purpose to enter upon any large discourse, especially on this, which is so amply expressed in the Scripture—viz., the sitting of Christ at the right hand of God. Only a word or two, so far as concerns the present purpose. 1. You see it is said here, "Sit thou at my right hand," or, as is expressed in the fifth verse, "is at thy right hand;" which seems to be opposite—for here Christ is at the right hand of God, but there God promises to be at the right hand of Christ. And this is very comfortable to consider, if we take it up right: for man is in a twofold condition that is very different. Sometimes he is at peace and quietness, rest and ease, and in glory and honour; and then, in this case, the right hand is the best place. I need not clear this: for I think many here understand it perfectly. Sometimes, again, man is in trouble and distress, in great danger and fear, and then it is otherwise; he has need of one to be at his right hand to help him, as in the 5th verse. And this is very comfortable, that, in the time of trouble and distress, the Lord is at thy right hand to keep thee, and guard thee with his right hand. But when the time of honour, reward, and recompense comes, then the Lord, as he sets down his Son at his right hand, so he will give every one their own degree, honour, and glory. And this was it that God promised to Abraham—"I will be thy shield, and thy exceeding great reward, to defend thee, and be at thy right hand in the time of all thy troubles and distress, and will not desert thee." Again, on the other part, when the time of honour and recompense comes, "I will be thy rich reward, and will set thee on my right hand as sheep, when the goats are left." This is not the ambition and pride of churchmen, in striving at the right hand of kings, &c. No, no; and yet this hath been the ground of meikle wee and mischief to the Church of God. Ye will find, and it is worthie of observation, that seldom or never almost does our Lord speak of his Cross, and of his sufferings in the gospel, unto his apostles and disciples, telling them that he is to suffer, but his disciples propone this question, "What place shall we have in thy kingdom?" imagining an earthly kingdom; which surely was a prognostication that the ambition and pride of kirkmen should be the greatest enemies that ever the Cross of Christ should have. And it is not possible for men, when the pride of their heart and ambition are seeking their own greatness, and wealth, and honour in the world, and how to make their houses great after them, and how to make their children live in delight and wealth—I say it is not possible they can esteem of the Cross of Christ as they ought to do. Such churchmen as these, if Christ were in the flesh again, would think they would be rather his masters than his servants, because they

aspire after dominion and dignity, and have only a natural sort of theology, whereof I did speak before, but are ignorant of Christianity. Therefore let us strive in all our troubles to have the Lord on our right hand, as in the 5th verse of this psalm, that he may guard us against troubles.

Now, this sitting at the right hand of God is a very high degree of majesty, glory, and dominion, given unto Christ above all the creatures, above all the angels, for they all acknowledge him to be King and Lord. To adventure on describing what particulars this doth contain were a forgetting myself, and those to whom I am speaking. Only I must say, a pity it is and lamentable, that he being exalted after so bitter sufferings and so great abasement, we should not ascribe to him his own due, his majesty, and glory, and dominion, as we ought; and that we cannot learn to entertain communion between him who is at the right hand of God and our souls—for surely there is a communication between him and every believing soul: a pity it is, I say, that it should be so insensible to us, or we so senseless that we cannot conceive or apprehend it. Oh, what a comfort it were to us to have the beams of that sun of righteousness, with light and heat refreshing our souls; and that we would acknowledge his dominion and government in our hearts! This were very comfortable if we were not strangers to this communion with Christ, but were sending up our desires to heaven, and receiving answers from our Advocate. The men of this age are gone so far on, that they think this authority and dominion of Christ is exercised over the visible Church only in secret, and spiritually; but for the government thereof in the external order, they imagine it is committed unto men, especially to civil men, and their authority, which seems to me to be not very far from blasphemy; for it is strange that any man should imagine the Lord would have his own house without order, that holds all the world in order, and exercises a particular providence in ordering every creature and subjecting them to one another; for there is a perfect government to be learned out of the word of God, and you must not dispute what ye think the best form whereby our Church should be ruled, or that any country may reduce the government to another form. But it is the question, what government Christ and his Apostles have set down? Neither is it to be questioned whether it agrees with reason or not; but whether it agrees with the pattern shewn in the Mount. And this right government that he hath established, if we had eyes to see it, we would perceive it to be the most orderly, and the most beautiful and amiable thing in the world, that any lover of wisdom would be enamoured with it. And surely if wisdom could be seen with bodily eyes, it would have many lovers; so if this government that Christ has established in his Church were seen with the eyes of the soul, it would have many to reverence it. But I may not now insist to speak of the order and government of the Church of God. 2. As the order is beautiful, so is it powerful to keep out many corruptions. And surely it is not possible that Christ's kingdom can be ruled with another order than Christ has established in his house. And surely heresy and false religion, and an enumeration of all evils, will come into the house of God, if that be not ruled according to his word. And, 3. As it is powerful, so it is profitable for advancement of piety, religion, and righteousness. And I am sure these that have not seen Assemblies before will understand how profitable this Assembly is unto our Church, when every man is heard



patiently till he speak his mind ; and then is a contribution of every gift in a nation joining together and making up a composition of an Assembly. Let it be judged by any man whether the Episcopal power be likest God's own order in his house ; and I put no question but the Kirk of Scotland will be found to be the Church of Christ, and the Antichristian Church shall be found to acknowledge it. 4. As it is a beautiful, a powerful, a profitable order ; so it is very pliable also, or of such a nature that it can well agree with Monarchical government, or any other sort of government in a Commonwealth. Therefore it is but a false aspersion cast upon this order and government of the house of God, to say that it is an enemy to Monarchical government, while as there is none so suitable thereto as it. Oh, say they, there is nothing but confusion in Presbyteries, where there is an equality. To these we would say, are not the Senators of the College of Justice all equal ? and are not the Privy-Counsellors equal ? And shall we say, because they are equal, they cannot consist with Monarchical government ? Nay, Presbyteries, Synods, Provincial and General Assemblies, may as well stand with Monarchy as the College of Justice, the Council, or any other judgment-seat : yea, in all these there is a parity, and yet it occasions no confusion. They will say there are some few that rule all the rest, and that is Episcopal tyranny, which, alas ! is a great mistaking of the gifts of God ; for when God furnishes one with gifts above another, why should not use be made of that gift for the good of the whole Church of God ?

Now for the time to come : "Till I make thine enemies thy footstool." Because I am loth to detain you, I will speak but a word of this by way of application, rather than explanation. You know, beloved, besides the professed enemies of Christ, he hath intestine and domestic enemies. And these men that we are to sentence this day, and to give out the censure of this reverend Assembly upon, have proven themselves the enemies of God and of his Son Jesus Christ, these many years bygone. We may say boldly, they have been the greatest enemies that Christ has had in this kingdom ; for, 1. They have been friends to the enemies of Christ, the Antichrist. Who is Antichrist but the proudest and most opposite enemy that Christ has ? They would not let him be called the Antichrist. 2. They have been friends to the Antichristian Church ; for they would not have the Roman Church called Antichristian, but have disputed for her, and maintained affirmatively that she is the true Church. And ye all know how Papists and the supports of Antichrist have been preferred to honest Ministers, the servants of Jesus Christ. 3. They have proceeded according to the principles that the enemies of Christ have followed since the beginning ; for you see in the first chapter of Exodus how the enemies of God did with his people : "Come," say they, "and let us deal wisely, lest they multiply and increase." They began with a piece of very barbarous cruelty against them, and used the utmost of their power against the people of God, never considering whether they were the people of God or not, nor considering that their multiplication was from the blessing of God. And such have these men done in times past, striving, by all means possible, that the people of God should not multiply, using all the policy and wiles they could, whereby there should be no more any people of God in the land, but only a number or naked professors ; for there was no man that professed the power of religion, but he was ridiculed

and mocked as a Puritan. Ye know, in the ninth chapter of the Judges, there is a maxim or principal rule of policy laid down, "Whether is it better for you that all the sons of Jerubbaal reign over you, or that one only reign over you ?" And this is commonly opposed unto us. It is better, say they, that Bishops rule, than that every Minister be a Bishop and ruler ; and therefore they proceeded according to that craft men did propose before them. But now, blessed be our Lord that has taken the crafty in their own snare. Therefore, since we see it clearly that they follow such rules as God's enemies have kept from the beginning, shall we not count them our enemies ? And I add a fourth, surely they that are friends to the world, and follows the world, are enemies to Christ. And it is clear in their practice that they have followed the world ; for what is the world ? nothing but these three things, the lust of the eyes, the lust of the flesh, and the pride of life. Now, if any man will impartially consider their proceedings, ye shall find that they have followed the world and the lust of their eyes ; for they think if any man be eminent in gifts above others, or, in the course of their philosophy, quicker than others, and then acquire a better gift of learning than others, and better expressions, &c. ; such an one must not lie in the dust of contempt with his brethren ; nay, he must have pre-eminence. And, 2dly, then they must have better fare than ordinary, and fairer houses, &c. than others. And then, after that, they begin to despise the calling of the Ministry as a base thing, and they cannot abide to sit three or four hours catechising a number of landward people ; and they choose rather to attend the court, or some nobleman. And thus, as before they followed the lust of the eyes and the pride of life, so now they follow the lust of the flesh. And it is these three that has made so many Ministers to become unprofitable and rotten members, such as these men are whom we are this day to cut off. But time being spent, I will proceed no further, but go on to the pronouncing of the sentence of this honourable and reverend Assembly against the pretended Prelates.

By the appointment of this General Assembly, so solemnly convened, the like whereof has not been heard of at any time in this land, that we know, there be divers censures to be inflicted upon these pretended Bishops.

We shall first enter with the gravest and weightiest censure of excommunication. The General Assembly hath declared, that they think the persons following worthy of this censure—viz., Mr John Spottiswood, pretended Archbishop of St Andrews ; Mr Patrick Lindsay, pretended Archbishop of Glasgow ; Mr John Maxwell, pretended Bishop of Ross ; Mr Thomas Sydserf, pretended Bishop of Galloway ; Mr Walter Whiteford, pretended Bishop of Brechin ; Mr David Lindsay, pretended Bishop of Edinburgh ; Mr James Wedderburn, pretended Bishop of Dumblane ; and Mr Adam Ballantyne, pretended Bishop of Aberdeen.

I need not inform the honourable and reverend members of this Assembly, for whose cause they are thus censured, for they are well acquainted with it. But, for these that are not well acquainted with their outbreakings, I will cause read a paper unto you, at the hearing whereof I think your heart shall quake, your hair shall stand, and your flesh creep, when ye hear tell that Christians, let be Churchmen, who reckon themselves the chiefest and most eminent men in the Church, and call themselves the pastor of pastors, should have fallen out in such foul acts as these are. [Here the preacher gave out of his



hand an abstract of the proof against the Bishops, which having been read publicly by the Assembly clerk, the minister proceeded.] Thus, ye see, they have fallen foully by their abusing and ruining the Kirk—by their consenting to unlawful acts, and voting in Parliament, without consent or warrant of the Church—in not rendering an account of their proceedings to the Church—in wareing on their riotousness and ambition the emoluments of the Church—in dilapidating their benefices—in neglecting the ministerial duties over a particular flock—in usurping and tyrannising over all Presbyteries, Synodal and General Assemblies—in suspending, depriving, fining, and confining faithful, painful Ministers—in relaxing excommunicated Papists—interdicting morning and evening prayers—countermanding synods, and falsifying their acts—moderating and tyrannising in General Assemblies—in causing great disorder and confusion to fall out by their private marriages without proclamation, even contrary to a Popish Council at Trent—in troubling of professors for their maintenance of the doctrine and discipline of the Church—in refusing to admit Ministers except they would first be deacons—in preaching heresy and corrupt doctrine, Popery, Arminianism, &c.—in exacting unlawful oaths of intrants, usurping of civil dignities before the peers of the kingdom—receiving consecration to the unwarrantable offices of Episcopacy—by tyrannising over the laws, liberties, jurisdictions, persons, and estates, both of the Church and Churchmen in the High Commission—by bringing in innovations in the worship of God, such as, the superstitious Service-Book, tyrannous Book of Canons, and Book of Ordination—by their loose and profane lives—their excessive and extraordinary drinking—filthy dancings—common swearing by the name of God—profaning of the Sabbath—profane speeches—and excessive gaming, contemning the public ordinances of the Church—bribery—simony—adultery—slandering of the Church—and stirring up of authority against these who could not go alongst with them. For these, and many other gross transgressions and slanders, at length expressed, and clearlie proven in their process, which is not seemly to be named in this place; and, instead of their repentance, adding to all these evils extreme contempt of this Church, declining and protesting against this honourable, reverend, and duly constitute Assembly, they have incurred, and justly deserve, this fearful sentence of excommunication.

Before we go to the pronouncing of this terrible sentence, the like whereof has not been heard in a land, because we never have heard of such matters in our Kirk, you shall hear particularly the sentence which the Assembly hath ordained to be declared and pronounced against the said pretended Bishops.

[Here the Moderator read the Sentence, which will be found in page 26 of these Records.]

After which the Moderator said—You, who are the congregation of God's people, are called of God to concur in this action. You have heard the ordinance and sentence that this reverend Assembly have given out against the eight persons before named; and you may easily believe their warrant so to do, by the crimes you have heard, which have been proved to the full. If it had been needful, and that time would have admitted, you should have heard the hail process, whereof the crimes you have heard mentioned are but a small part; for ever the further that we searched, the fouler guiltiness was found in them. And surely when any professor of the Christian religion, or member of the visible

Church, especially those who profess themselves Ministers of Christ, be found guilty of such things as are laid to thir men's charge; and add thereto contumacy, yea great obstinacy, as these men have done, he deserves no less than excommunication, though it be a very terrible sentence. Ye know that the members of this Assembly do nothing at their own hand, neither is it presumption that moves them to do it, for they are commanded of God, and, being commanded, they dare not be so bold as refuse. As there is a necessity laid upon us to preach the gospel, so is there a necessity laid upon us to pronounce this sentence. Ye know, in chap. xviii. of St Matthew's gospel, our Lord's commandment is, "If he neglect to hear the Church, let him be unto thee as a heathen man and a publican;" that is to say, account him as a Turk, or a profane man, a stranger to the household of faith. And 1st Cor. v., St Paul commands the Church of Corinth to cast out the unhappy man that had been guilty of incest; and we have the promise of Jesus Christ, who hath given us this authority, that what we *bind on earth* shall be also bound in heaven. And, for as mean men as we Ministers are, it shall be found that our sentence shall be ratified; and those who will observe shall see it, that we are sent to Glasgow to pronounce this sentence. Neither is this a new thing in the practice of the Church; from the beginning this sentence was in use. When Adam fell into the great and high sin of disobedience against God's first command, he was cast out of Paradise, which was an emblem of the Church of God. And you will find, under the law, there are many particular precepts and statutes, excluding unclean and leprous persons from eating of the passover. All which represent, by analogy, this sentence under the gospel. In the New Testament there are several examples likewise. 1st Tim. i., 20. Hymeneus and Philetus are registrate to the end of the world, and branded with a note of reprobation, whom Paul delivered unto Satan, that they might learn not to blaspheme. And you may not think but as we have commandment, promise, and practice for our warrant, there is also great necessity for it; for, in such a case as this, God cannot be honoured otherwise. Were it not dishonourable to God to have men guilty of such crimes going to the pulpit to preach to his people? Yea, it were enough to make people loathe the articles of their faith, to hear such men as these take the Covenant of God in their mouths; and therefore it is expedient that the Church of God be purged of such foul scandals as it hath been polluted with in these men's persons. And this is profitable likewise for the faithful, that they may learn to be wise and holy, and that they fall not into the same faults, lest the same censure come upon them. And truly if the Lord had directed to another remedy for these men, the Kirk of Scotland would have been glad to use it; but there is no other known mean to keep them from the condemnation of the devil, for the mortifying of their flesh, and saving of their souls, than this.

And, as you see it is warrantable, necessary, and profitable on the matter; it is likewise warrantable and necessary as to the manner. For these and the like faults, the Bishops own tyrannous canons ordain excommunication to be pronounced *ipso facto*. Next, you that please to read the Book of Common Order before the Psalm Book, will find that summar excommunication was appointed by the Kirk of Scotland, in some cases. But we are not to account this summar excommunication; for it is above a year since these men were summoned by



the many supplications, bills, and complaints, that were given into the Council-Table for the superstition and idolatry they brought into the worship of God; for the tyranny they brought into the government of the Church, and for the heresy they brought in upon doctrine; and so, all this time, they have got public warning from the Kirk. And, besides all this, they have given in a declinature and protestation against the Kirk of Scotland, and obstinately refuse to hear her; and, therefore, they justly deserve to be accounted as heathens and publicans.

It rests now, before pronouncing the sentence of this reverend and honourable Assembly, that we should call upon God that he may be pleased to join his divine approbation to that which we are to pronounce, that it may be seen by the world to be ratified in heaven.

Great Lord of the heavens and of the earth, who does in them both what seems good in thy own sight—great King and Lawgiver, in thy own church—God eternal and glorious in thy self, but merciful and compassionate to thy people—we, thy servants and children, do again present ourselves before thy Majesty. (The concern of the congregation increasing as the awful part drew near, the amanuensis could not distinctly transcribe more of this very fervent prayer.)

Prayer being ended, the Moderatour pronounced the sentence of excommunication in these words:—

Since the eight persons before-mentioned have declared themselves strangers to the communion of saints, to be without hope of life eternal, and to be slaves of sin, therefore we—the people of God, assembled together for this cause—and I, as their mouth, in the name of the ETERNAL GOD, and of his SON the LORD JESUS CHRIST, according to the direction of this Assembly, do excommunicate the said eight persons from the participation of the Sacraments, from the communion of the visible Church, and from the prayers of the Church; and, so long as they continue obstinate, discharges you all, as ye would not be partakers of their vengeance, from keeping any religious fellowship with them; and thus give them over into the hands of the devil, assuring you, in the name of the Lord Jesus, that except their repentance be evident, the fearful wrath and vengeance of the God of Heaven shall overtake them even in this life, and, after this world, everlasting vengeance.

Beloved, let us not think that this fearful sentence is merely the wind of a man's voice; surely these unhappy men shall find the truth of it. It is true a farther blindness of mind, and hardness of heart, is one part of the execution of this sentence; but it may be that the Lord of Heaven shall kythe some sensible judgement upon some of them, whereby they may be made spectacles of his wrath, except they repent. Cain thought little, when he was cast out from the face of God, that any evil should befall him; and surely in a lamentable case was he when he lived, and miserable were his offspring and all that joined with him. So was it with cursed Ham and his whole race; they were rooted out, and the judgment of God came on them. In like manner, the fig-tree being cursed, it withered immediately away; and Ananias and Sapphira were struck dead at the first word of Peter. And though we do not say that miracles will be wrought—for God can execute his judgements in an ordinary or extraordinary manner, as best pleaseth him—we have cause to be grieved that there are such rotten members in the body of this Church; and, truly, it is ill with such Members when they are cut off. We speak only from the visible Church, because they

declare themselves so obstinate to her, and acknowledge not their mother; and we mean only the destruction of the flesh that their souls may be saved in the day of the Lord; for it is the earnest desire of our hearts that the same may tend to their salvation. And I do verily believe that there are none here so willing to witness their excommunication as they would be to receive them again to the society of the Saints: and that the Lord may in mercy take the blot off them that is this day put upon them in justice.

Now you shall hear the Sentence of the Assembly on the rest of their colleagues.

[For the Sentence, see pages 27, 28.]

After which, the Moderator's strength being outwearied, he only added—

Now you may perceive how circumspectly this Assembly have gone on, in giving out their judgement against these men according to the degrees of their guiltiness. Neither have they judged according to rumours or reports, nor yet by their own private knowledge, but have proceeded according to things that have been clearly proved, which makes us the rather be persuaded of God's approbation of our sentence. Therefore, let us again humble ourselves, and give thanks to our Lord for his presence with us, and entreat him for a further manifestation thereof, to the glory of his rich grace through Christ our Lord.—AMEN.

[*Eodem Die.*]

After in calling upon the name of God,

A noble Lord, my Lord Montrois, who did formerly undertake, for my Lord Wigtonne, that he would come and declare his meaning to the Assembly anent his subscribing to the kings Covenant, did give in a letter of excuse, come from my Lord Wigtonne, wherein he declares that he is myndit to come to the Assembly whensoever his busines can permitt him, and give them all satisfaction.

After this, there was ane proces produced against Mr W<sup>m</sup> Annand, sometime minister at Air, for maintaineing saints dayes, and many poynts of erroneous doctrine; especiallie in ane sermone taught at Glasgow, at ane synod 1637.

Mr John Fergusson and the Provost of Dumbartone, gave a large testimony of his scandalous lyfe and erroneous doctrine. Then the rolles were called.

Mr Alex<sup>r</sup> Kerse said—I know he subscrivit our Covenant, and after resedit from it, and so he proved a Proteus *quem vertit se in omnes figuras*. Therefore, let him be deposed, and then he will be in a figure that he was never in before.

The whole Assemblie did all agree that he should be deposed, and the way and order of his censure to be remitted to the Presbitrie of Air.

Mr Andro Rollock gave in his supplication, declaring that out of meir ignorance he had subscrivit the Declinatour, being brought up with the Constitution of England Church; but now, having gotten farder light from God, and intelligence from Acts of Generall Assemblies, with greiff of heart and conscience, declynes it altogether, and adheres to the acts and constitutions of this present Assembly; and, therefore, did earnestlie supplicat that he might deleit his name from the declinatour, which the Assembly grantit, upon condition that he should make public declaration of his recantation in his parochie kirk, which he willinglie condescendit unto.

Lowdown said that the favour granted to him who had been brought up in the Kirk of England, should not be a preparative to temporizers among ourselves,



and so is pure negations, and uthers are prave dispositions, or wilfull ignorancee.

The Moderatour said—Fra we be delivered fra these diseases that hath oppressed the whole bodie, I hope we shall have greater health hereafter; for laying aside aines the hope of Episcopall dignitie and the fear of Episcopall tyrannie, I hope men shall labour to be more carefull and faithfull in their ministrie; and since God hes moved your heart, Mr Rolloek, to deelyne your declinatour, I hope ye will not stand to give the most publiet declaration that can be; to whilk he willinglie condescendit.

After this Doctor Hamilton, procurator for the Bishops, was ealled on, and the proccs red and the probatoun thereof. Then the rolles were ealled.

Mr Alex<sup>r</sup> Kerse said—He hes bein verie striet in urging thir novations, and he hath bein verie officious *et nimium diligencie* in agitating: therefore, since the trie is eutt doune, let the woodbine fall with it and be buried: therefore let him be deposed.

The whole Assemblie voited the same.

The Moderatour said—Since this Assemblie finds that he deserves deposition, I, as the mouth of this Assembly, discharges him from all function of the ministerie, exercise of discipline, or administration of the Sacraments, and declaires his place to be vacant; and ordaines him to make his repentance at Ed<sup>r</sup>, and if he disobey and did not passe from his declinatour, that they should proceed against him to excommunication.

Then there was a proecs given in against Mr Thomas M<sup>c</sup>Kenzie, Archdeane of the Chanric of Ros, who for his fornication, drunkennes, marrying of adulterers, &c. After the calling of the rolles, the Assembly voited to his deposition, and if he did not satisfie in repentance, that he should be excommunicat.

Mr George Musehet, minister of St Andrewes, ealled upon and his proces red, and delayed till the next day.

#### Sess. 21.—Dec<sup>r</sup> 14, 1638.

After in calling upon the name of God,

Mr Johu Smart showed his Commission from Caithnes, to the end he might have voit in the Assembly in the place of the former comissioner, who is gone hame sick, which was accepted, and his name written in the roll.

Then Mr Androw Sheipheard declaired, that of meir ignorance he had subserivit the declinatour, and was deiply humblit for his oversight, and protested solemnlie that except that ane oversight he did never, nor never would give way to any divisive motion; and therefore desyred earnestlie that he might raze his owne name out of the declinatour, which the Assemblie granted, and ordained him to make signification thereof in the pulpit of Dundie.

Moderatour said—It is expedient, if the Assembly think good, to appoynt Commissions through the Kingdome, for diseussing of Complaints and Lybells given in against Ministers. Then the Assembly appoynted Commissions in severall places of the Kingdome.

The Moderatour said—If the Church were well established in her owne power and jurisdiction, there could be no neid of such Commissions; therefore, let us labour to get the ancient jurisdiction of the Kirk restoi red to its full power, and Presbitries, Provinciall and Nationall Assemblies, to their owne jurisdictione: for the Generall Assemblies canuot give to the Commissions to consider new processes,

but such as they cannot convenientlie decyde themselves, and in such partes of the countrie where Provinciall Assemblies cannot be had.

The Moderatour said—We have beine treating hitherto of matters of verie great importanec, howbeit, it hes bein only a primitively sort of dealing; and now we are to fall upou positive acts. Therefore, I will intreat yow to renew your former patience in waiting upon a comfortable conclusion to this worke: for having banished out ane evill order, if we labour not for ane good order, it may justlie be said, ane evill order had beene better nor nane; and therefore resolve to stay till some good order be established, that ye may know how to earry yourselves in tymes coming. Next, there is a verie great necessitie upon many considerations, that there be something done concerning the Confession of Faith, that hes beine subserivit with the explanation of it; and concerning that Confession also subserivit by some few at command of the Counsell; and it were good that some few were separat for it that if it were possible—

Lowdown said that there is something emergent now lately come foorth, that gives the greater reason to avair to that poynt; for now, when the Assembly hes interpreted the Confession, to whom only it was referred as competent judge, and lyke wayes many of the honourable Counsell having declaired their meaning is to keepe in these things that are contrarie to the Assemblies explanation, so there is a necessitie of some further explanation for takeing away of all scruples.

In the meane tyme, my Lord Wigtoune came and declaired, in the face of the Assembly, that he had put his hand to the Confession of Faith out of a resolution to adhere to the religion in doctrine and discipline, as it was professed in 1580, when the Kirk was in puritie; and this I speake not out of ostentation, but from certaine knowledge and zeale to Gods eaus, and will adhere unto it whilst a droppe of blood remaines in my veins.

For the which declaration, the Moderatour and whole Assemblie rendered his Lordship heartie thanks, praying God to assist his Lordship so to doe.

After this the Moderatour said—I pereceive there is a universall regrait among Ministers who are put to the extraordinary charges by coming from Orkney, Caithnes, Sutherland, and uther remote places, that their meane portione is not able to beare. Therefore, I desyre that some course may be taken how their charges may be provydit, that they may attend the Nationall Assemblies and uther meetings of the Kirk, since they have a great zeale to give a testimonie to the trueth. Therefore, I would desyre the Noblemen and Elders to consider of it; and I hope it shall not be interpreted to be bryberie where there hes bein too much in former pretendit Assemblies; and we are now stryving to returne to our old eustomes used before Episcopacie, some whereof we have begun—as this of Ruleing Elders to have pairt with us in guying the affaires of the Kirk, which how profitable a thing it is, may appeare by the much helpe that hes contributed to us this year past. Neither neid we feir thir usurpatione, since we hope for Generall Assemblies to beat doune corruptions of that kynd.

My Lord Lowdown said—It deserves to have a preseat course tane for it, and its eertane the Generall Assemblies is but the representative Kirk of this Kingdome. Everie Minister that comes heir, comes not as a Minister onlie, but representing the parochie or Presbitrie they come from; and there-



fore it were fitt that the Elders and parochie did beare the burdene of their charges.

Balmerino said—That was one of the overtures which they had to give in, and therefore would come in to be considered heirafter.

Then Mr George Wischart, Minister of St Androwes, was called on, and his proces red, wherein he was accused for rayling against the Covenant, and saying that he should never come in his pulpit if the Covenant were red in it; lykewayes that he had maliciouslie deserted his floeke for the space of 8 monthes, whereas the Act of Dundie beares deprivation upon 40 dayes absence.

Lowdown said—His non residence will be sufficient to depose him; and the question is only that he was not cited; but, according to the Act, his non residence will depose him absolutelie, becaus he went away without advertising the Generall Assemblie.

The Moderatour said—It seemes to me that it will be hard for the Assembly to declair his place vacant; but, if St Androwes will take the hazard to find out ane uther who will be willing to supplie his place, they may doe it; for there must be either dimission or deprivation before it be now filled there. There can be no sentence of deprivation against him, till he be either cited, or his proces closed before the Presbitrie; and, in the meane-tyme of the proces going on against him in the Presbitrie, and citation used, if he compeare, it is thought he can give no sufficient reason, and so will be worthie of deprivation.

The Assemblie condescendit to the Moderatours motion, and appoynted that Sanct Androwes shall provide for themselves a Minister, and that Mr George Wischart, upon such considerations, shall be cited, and the Presbitrie to proceed against him.

Then there was a supplication presented from St Androwes for provyding of their Ministry, and many pregnant reasons used by them, wherefore they should have ane able Minister, and that their necessitie was considerable, in respect of their corrupt Universities, and the dangerous fruites that a corrupt Ministry had brought forth amongst them. Then it was asked whom they had sett their eyes on, and the Commissioner from St Androwes nammat Mr Andro Flock and Mr Alex<sup>r</sup> Hendersone.

The Commissioner of Edin<sup>r</sup> answered—That he had commission from the town of Edin<sup>r</sup> to supplicat for the transportation of Mr Alex<sup>r</sup> Hendersone to Ed<sup>r</sup>, alleadging lykewayse that the toun of Ed<sup>r</sup> had the priviledge of being first provydit in their Ministerie.

Moderatour said—Let there be no contest for me, for I have bein thir 24 yeares Miuster at Lew-chars; and now I am growing aue old, withered, and dry tree, and it is pittie to transport such a one, least it bring forth no fruite. And I doe declair *ex animo* to this Assembly, that, although I have ane earnest desyre, if I had any thing in me to imploy it for the good of the Kirk of Scotland, yet I think I am able to doe more good heir where I am nor any where els; therefore I intreat the Assembly that some may be appoynted to hear my just reasons that I have to give in, why I should not be transported.

Lowdown said—Becaus the desyre of the parties will be eager on both sydes, therefore, let some indifferent men be chosen by the Assemblie to heare the reasons of the Commissioners of Edin<sup>r</sup> and St Androwes both, and your owne reasones lykewayes.

The Commissioners of Edin<sup>r</sup> objected, that there could be no committie chosen for that effect, becaus they had alreadie chosen him to be their Min-

ister, and, lykewayes, they had the priviledge to transport any Minister of the kingdome.

Mr David Dick, Mr Andro Cant, Mr James Bruce was ordained to name a committie.

Then there was a proces given in against Mr Hary Scrymsoure, wherein he was accused for abuseing the church yaird, break of the Sabbath day, and for venting of sundrie tenets of false doctrine.

The said Mr Hary gave in a most humble supplication, and, with many teares, confessed sundry of his faults, and shew himselfe to be penitent, that he was most willing to undergoe whatsoever censure the Assemblie could lay upon him, to restoir God to his glorie, humbly supplicating that he might be continowed in the Ministerie, and not deprieved.

The lairdes of Newtoun and Waughtoune, his parochiners, urged still his deposition, according to the Acts of the Kirk.

Moderatour said—That it were good that he give a testimonie of his unfenzied repentance to his parochiners, and stay with them and build up that whilk he had throwine doune, if his parochie could consent.

Newtoun answered that he might be profitable in ane uther place, but he could not be profitable there.

My Lord Burlie said—I wishe this Assemblie may doe everie thing on good grounds; and, for my owne parte, I cannot be satisfied unles he be deposed, and, upon his repentance, let him merite favour.

Moderatour said—If he be deposed, I hope he shall not find the weight of it long; and, since this Assemblie can find no uther way for him but deposition, let him make his repentance, and come in before the Presbitrie, and receive a warrand from the Presbytrie, and preach any where, and, at the first occasion of a parochie, received and admittit; and let us joyne together to help this our penitent brother where he may have a ministerie.

Then there was a proces given in against Mr Robert Hamilton, Minister at Lesmahago, and the probation thereof before the Presbitrie of Lanerk; and it was found that he had broken the Sabbath, and taken lends from his parochiners; detained the penalties of delinquents; banished some of his parochiners out of his parochie for not kneilling at the Communion; that he had preached Arminianisme, and declined the Assemblie.

Mr Alex<sup>r</sup> Somervill said that he behaved himselfe verie undecentlie before the Presbytrie, and called some of his parochiners deboasched villanes, in face of the Presbitrie.

Moderatour asked—If he did cleare himselfe before the Presbitrie concerning Universal Grace?

Mr Alex<sup>r</sup> said he gave in ane writt to the Presbitrie; but we layd it by in respect it contained not a direct answer, but was full of subterfuges and dubious expressions, and he alleadgit that he ventit it only by way of disputation.

The Moderatour said—When he passed his tryells in the Colledge of St Androwes, he was suspect of it, for he was a scholler of Wedderburnes; therefore the Presbitrie ordained him to make his theames upon that poynt, and they wer compted orthodox; but it is not well favoured that he yet smellis of it.

Lowdown said—There is ane thing cleare in his challenge, and he grants it—that he hes tane the defence of these articles anent conformitie, and hath made it a reasone of putting many of his people out of his parochie, and surlye there was never any of them refused to joyne with him but out of con-



science, and still he tooke penalties from them to wearie them.

Moderatour said—There is no question but he hes bein verie forward in these causes ; alwayes some of his friends lookes for him this night ; and since it is the chief of all our desires to gaine the man, let us use no preposterous eourse, but delay this matter till Monday.

Mr James Flecke having produced his theses before the Assembly, according as he was ordained the day before, anent the universalitie of Christs death, the Assembly ordained him to goe home to his eongregation and Presbitrie, and satisfie them in alse solemn a manner as can be, and declair to them this judgment of the Assembly ; and if he failzie herein, that he be summoned before the Commission at Dundie.

A question was proponed to the Assembly anent Mr R. Nairne, minister at Carmichael, who, being imposed upon the parochie lately by the Bishop against the heart both of the parochie and Presbitrie, is now fallen in a ffrenzie, and hes lyen under the phisicians hands ane quarter of a year ; and the parochie desyres the Assemblies verdict of it. The Assembly committs to the Presbitrie.

Doctor Panters proces was produced and delayed till the morne.

#### Sess. 22.—Dec<sup>r</sup> 15, 1638.

After in calling upon the name of God,

The Moderatour said—We were speaking of ane of the Doctores of Divinitie in the Colledge of S<sup>t</sup> Andrewes, viz. Dr Panter. His proces was red the last day in the Assembly, and if ye will, ye shall heare it againe. The trneth is, he was oft tymes called before the Presbytrie, but did never eompeir ; and therefore ye have to consider whether his proces shall be red over againe and deeydit heir, or referred to the Commission of S<sup>t</sup> Andrewes.

Auldbar says—He thinkes himselfe to be a pryme man, and the sentence heir will stryke more against him then the sentence of any privat Commission. Let this Assemblie judge if such a man should be a Doctor of Divinitie in ane of the most pryme Colledges of this Kingdome ?

My Lord Bahnerino said—We have beine searching over the Acts of the Assemblies, and we find that which may be discussed in Presbitries or Assemblies provincieall, shall not trouble the Generall Assembly, and this Act I desire the Clerk to read.

After the reading of it,

The Moderatour asked some of the brethren whether his proces should be closed heir or referred to the Commission at S<sup>t</sup> Andrewes ?

Mr Robert Douglas, Mr Andrew Cant, Mr Robert Baillie answered—There are alse grosse and vyle thinges proven against him as might merite deposition heir, yet let him goe to the Commission at S<sup>t</sup> Andrewes.

Then the Commissioners of Edinburch presented a Supplication from the toun of Edinburgh, for provision of their kirkes with able ministers, alleadging that they not only had the priviledge to ehoyce their ministers, but lyke wayes that their Bill should be first heard.

The Moderatour answered—The Bill of S<sup>t</sup> Andrewes hes bein first heard alreadie, and therefore it is reason that some answer be given to it, and becaus my name was heard in it, I desyreit my thrie reverend brethren, Mr David Dick, Mr Andrew Cant, Mr James Bruce, to thinke on it. I

hope they will heare my reasons, and by my reasons they will give satisfaction to the Assembly, to whose judgment I confesse I must submitt myselfe ; but I am verie confident of their wisdom and prudence, that they will heare me to the full in such a matter that concerne me so nearlie.

Then the Supplication of the toun of Edin<sup>r</sup> was put in the Clerks hand and red, containing many pregnant reasons for provyding their kirks—as that Ed<sup>r</sup> was most exposed to the tryell of the corruptions that are imposed upon this Church—that they were the eenture of this kingdome—that they were the learnedest auditorie in the kingdome—that much dependit upon their example of yielding or not yielding to the corruptions of the tyme—and that her example prevailed with many uthers, as appeared at this tyme bypast—that her Presbytires was ever esteemed the most pryme in this Church ; and for that canse, the indiction of the dyet of Assemblies hes bein committed to it :—That she is first subject to all temptations, as hes appeared by nrging the Service Booke first upon her—the resorting of Noblemen, Ministers, &c., and their continowall meetings is there. By all thir, and many moc reasones, neidlesse to be relaited heir, did they urge the transportation of Mr Alex<sup>r</sup> Hendersone from Lewchars to Edin<sup>r</sup>.

Moderatour said—I will never goe to answer any of these arguments used heir with such multiplication, and a great deall of rhetoric, for provyding the toun of Edin<sup>r</sup>—for it is verie reasonable it be weill provydit ; but for my oun parte, all these reasons doe deswade me from granting their desyre ; and since there is such great thinges requyred of a minister that is there, snrelie my insufficiencie makes me thinke everie argument militat againes my going there, howsoever they be strong for provyding the toun of Edin<sup>r</sup>.

Then there was some brethren appoynted for hearing of Mr Alex<sup>r</sup> Hendersone his reasons, that they might present them to the Assembly the next day.

#### Sess. 23. [December 16, 1638.]

After in calling upon the name of God,

Moderatour said—We were yesterday about some Complaints ; and it is expedient that they should be considered in Provincial Assemblies whether they might be heard ; and where they might not be heard, that they should be considered by Commissions appoynted be the Generall Assembly. And I think it will be hard to get Provinciaall Assemblies constitut as could be wisched ; therefore it fearces me there must be both—that is, Commissions for dispatching thir great matters in hand, and lyke wayes Provinciaall Assemblies, which is to be thought upon by the Assemblie when they shall be had. Only I would heare the judgement of the Assemblie—it being a universall thing for the good of the whole Church, and likewise a redding of us of the burdings of many particulars.

My Lord Cassiles said—We looke for a Generall Assemblie so shortlie, that it would seeme no neid of Provinciaall Assemblies before the Parliament, becaus ministers who have attendit heir so long cannot spend all their tyme in going to Provinciaall Assemblies ; and in the meane tyme, let Commissions be despatching matters.

Then the Commissions were appoynted as follows :—

*Item*, ane Commission for Complaints about Ed<sup>r</sup>, Dec. 26.

Ane nther Commission to be used at Jedburgh, Ja<sup>rii</sup> 2. [1639.]



Ane uther Commission to sitt at Irwing, Jan<sup>ii</sup> 15.

Ane uther Commission to sitt at Dundie, Feb<sup>ii</sup> 5.

Ane uther Commission to sitt at Chanrie and Forres, March 19.

Ane uther Commission to sitt at Kirkcudbright, April 6.

Ane Commission for visitation of the Colledge of Aberdein.

Ane uther Commission for visitation of the Colledge of Glasgow.

Then Mr David Lindsey, Mr John Robertsons, and uther aged men in the ministerie, were appoynted to take inspeccion of the Bookes of the Assemblie, and to try wher thir provincieall Assemblies hes bein holden, which accordinglie they did, and gave in a roll the next day.

The Commissioner of Kinghorne gave in a complaint in name of that Burgh, in respect of the great prejudice they sustained by the Episcopall tyrannie in removing of a faithfull minister, Mr John Skinner, and him whom they now have being an old man. They crave of the Assemblie ane helper.—*Fiat ut petitur.*

The Commissioners from the Presbitrie of Turrey gave in a Supplication, declairing, That whereas Alex<sup>r</sup> Andersone and Robert Davidsons, in Turrey, having fallen in ane delinquencie at a mereat in Aberdeine, and for that were conveyned before the Bishop, and payed 522 merks of penaltie, which should have been bestowed in mending the high wayes betwixt Turrey and Aberdeine, notwithstanding they delivered it to the Bishop, whilk he detaines, and the parties are not called for to make their repentance.

The Assemblie ordaines the delinquents to make their repentance in Turrey and Aberdeine, and the penaltie to be restoired.

Then there was a Supplication presentit in name of the Kirk of Corspaine, which church lyes in a very desolat wildernes, containing 500 communicants. It was builded by some gentlemen to their great expenses, only out of love to the salvation of soules of a number of barbarous ignorant people, who heirtofor hes lived without the knowledge of God, their children unbaptized, their deid unburied, and could no way for getting maintainance to a minister but to betake them to the sympathizing of zealousness, as the Assembly would think expedient.

My Lord Cassiles said—Their cace is verie considerable, and deserves helpe. The cace of their soules is verie dangerous, being 15 or 16 myles from a church; and now, since God hes given them the benefite of a kirk, I think verilie a verie little helpe of the Presbitries of the kingdom would give them a competent meanes for a minister, especiallie seeing they have alreadie provydit something themselves.

This matter was committed to my Lord Lindsey, Earle of Cassiles, Shirreff of Teviotdaile, Mr W<sup>m</sup> Dalgleische, Mr Alex<sup>r</sup> Kerse, and Mr John Home, to consider upon till Monday.

Then the Moderatour asked Mr David Lindsey, who had the charge of the Billes, if there were any moe to be presented; who answered, none but two, which they hoped to discusse themselves.

Moderatour said—God be thanked! We have now neir endit all the billes; and as we began with important bussines, so we must end with great bussines; lykewayes; and therefore ye must have patience, and I hope with speid we shall goe through them all, and so returne to our places. Therefore, if there be any in this Assembly that have any overture to give in concerning Ruleing Elders, let

them come to my Lord Balmerinochs house at 4 o'clock.

The Clerke desyred these that had given in their billes to the committie, and who were referred to the Commissions up and downe the countray, let them goe to Mr David Lindsey and get their billes, that they may raise summands upon them to compeer before the Commissions.

The houre of meiting upon Monday is 10 houres.

#### Sess. 24.—[December 17, 1638.]

After in calling upon the name of God, those who were appoynted to meit about the Kirk of Carsfairne, declaired that they had mett and taken consideration of the estate of the kirk; and, finding that the pairties that possesses the teyndes cannot be moved to give provision, we thinke it expedient they be helped ane uther way; and becaus we thinke it expedient that the whole kingdome be not troubled with it; therefore we thinke the bounds of this syde of Tay, including Fyfe and Forthe, will be sufficient.

Then Mr John Bell, elder, minister of Glasgow, presented a supplication to the Moderatour; and, after he had red it,

Moderatour said—There is heir a reverend and aged brother, whom we should all honour—for gray haire, for a crowne of glorie—that hath approven himselfe to God in his Church, and to the people of this eittie in a speciall maner; and now, finding his natural weaknes increasing, though he hath vigour of mynd as yet, and fearing and apprehending his dissolution drawes near, he hes represented to yow heir a supplication for a helper in the ministerie, and desyres it may be heard with the first.

Then the Clerke red his supplication, containing a earnest desyre, for many reasons, that his brother, Mr David Dick, minister at Irwing, might be admitted to joyne with him in the ministerie.

My Lord Eglintonn said—Albeit Edinburgh have power to transport miisters, I understand not how Glasgow hes.

Moderatour said—They have power to supplicat.

Eglintoun said—Let the question be, whether Mr John Bell may have a helper or not?

And the Provost of Glasgow said—Not only the generall doe we supplicat but for the particular also.

Mr David Dick said—This was motioned to me yesternight, and I have bein laying the matter before God, as it becomes me to doe; and I desyre that my particular reasons why I should not be transported be considered by the brethren of the place where I live, be reason of my long acquaintance and tryed affection betwixt me and my flocke and my brethren of the Presbitrie. I have ane open doore of doing good above any pairt elsewhere. 2. In the tyme of my trouble by the Bishop, my Lord of Eglintoun, and the brethren of our Presbitrie, was put to much trouble to have me restoired to my ministerie there; and, therefore, I am tyed to his Lordship and to them all. 3. Be reason of my professed intention of a particular exposition of Scripture, I cannot be for such a learned audiorie; and before ever I can take roote in any uther soyle where I may be fruitfule, the tyme of dissolution will draw on.

Lowdoun said—Beside these reasons given in be Mr David, ye shall consider, that albeit some men have had but particular flockes, yet they have both done als much good, and holden off evils as if they had bein in more eminent places.

The Moderatour said—This is certaine—churches must be planted; and, for that end, there is a neces-



sitie of transportation of some to Edin<sup>r</sup>, St Androwes, Glasgow, Dundie, [which] cannot be provydit with expectants.

Argyle said—Though I have not ane voit heir, yet I crave libertie to speake my judgment. Truelie the bussines is both grave and weightie; for the question is now betwixt the countrie and the townes, whether there be a necessitie of transplanting ministers from corners of the kingdome to townes, or let them rest where they are? And I thinke it deserves this consideration: let everie ane that pretends interest why it should not be, produce their reasons in write, that the Assembly may consider of them.

The Moderatour said—Let it be referred to a committie.

Eglintoun said—He would not consent: for, said he, if I submitt my cloake to a committie, it may be they take a newke of it.

Then there was a Committie nomiut:—

Argyle,	Mr Andro Ramsay,
Montrois,	Mr David Lindsey,
Lindsey,	Mr Andro Cant.
Sinclare,	Mr John Livingston,
Eglintoun,	Mr Hew McKell.
Lowdown,	
Laird of Blair.	

A Complaint auent the Kirk of Airth was referred to the Presbitrie of Stirling.

Moderatour said—When we are thinking upon such old fruitfull tries as reverend Mr John Bell, we should also be thinking upon some young plants also, that we may know our oune strenth; therefore it is necessar that a number of expectants be taken up, both these that hath beine out of the ministerie for not conforme to Perthes Articles, and these that wer holden out and were forced to take them to ane uther sort of life, waiting for better dayes, and these that are now sprung up and are hopefull youtnes, whom we trust who shall supplie our places who are old.

Then the Commissioners of Dundie gave in a Supplication for the transportation of Mr David Lindsey, Parsone of Bellhelvie, to Dundie.

The Moderatour desyred the Provost of Glasgow, with some uther of the burrowes, to conveye this night, and thinke upon some overture for the change of the mercat dayes in Burghes from the Monday and Satnrday, becaus they be great profanation of the Sabbath, and wer occasioned, that their consideration might be recommendit to the consideration of burrowes, which the Provost of Glasgow promised to doe.

There was given in the testimonie of the diligence of some of these to whom the Answer of the Bishops Declinatour was given in, which is insert before the Declinatour.

#### Sess. 25. [December 18, 1638.]

After in calling upon the name of God,

The Moderatour said—There is ane particular heir would be considered before we went forward, and this is about the forme of repentance of the pretendit Prelats, Dunkell and uthers, subserivit already, and uthers have not yet subserivit: therefore I will tell my oune judgment and the judgment of uther members of the Assembly who have conferred with me. For the Bishop of Murray, let the Presbitrie of Edin<sup>r</sup> have power to cite him to compeir before them, and receave his injunctions the tyme of the Provinciaill Assembly, where he shall receave the maner of his repentance; and if he compeir not, they shall proceed against him with the censure of the Kirk. As for the Bishop

of Orkney, let him receave the matter of his repentance of the Presbitrie of Orkney, and let them appoynt some of thir members to receave it. For the Bishop of Argyll, that he be cited to compeir in Edin<sup>r</sup> at the Provinciaill Assemblie, to receave direction for the maner of his repentance there. For the Bishop of the Isles, that he be cited before the Commission in Irwing to make his repentance. And in case they obey not the Presbitries where they dwell, proceed against them to the sentence of excommunication.

My Lord Lindsey said—If any of these who are excommunicat be content to make their repentance, shall they not thereupon be presentlie received?

Moderatour said—They may weill wait upon the next Generall Assembly; or if any of them be neir the poynt of death, and apprehending the terrors of God, let the Presbitrie lowse them from the sentence, if they be readie to cry out with Bishop Adamson—“Lowse them, lowse them!”

Mr John Home said—In that case, it wer weill done to receave them; but let them leave a testimonie in write of their repentance, as Bishop Adamson did.

Moderatour said—There are divers seeking transportations, and, among others, Mr David Dalgleshe, Minister of Cowpar, who truelie hes great reason, if we will consider and compair his gifts with his meanes. He desyrit the benefite of it be transportation.

The Assembly allowes this transportation.

Moderatour said—Anent our cariadge toward excommunicat persones, I thinke civill affaires may be done with them—a naturall duetie done to them, but civill dueties verie sparinglie.

Moderatour said—We left about the Bishops declinator and protestation, and we appoynted some to make answer. Now, consider whither ye will heare a litle tast of their auswer till the rest be ryper for the presse, and let it be remitted to some brether to be perfyted before the Commission close in Edin<sup>r</sup>, and put to the presse. Withal, ye know there would be a consideration had of the declaration that it hath pleased the Kings Majesties Commissioner to publishe and print, that ane answer may be had to it, and such lyke, that ane answer be made to the protestation given in be him.

There is a great Booke fund to be authentick, containing many Acts of Assemblies, belonging to Mr W<sup>m</sup> Scott, in Cowpar. I thinke the Assemblie will joync together to make him rander the same to the Assembly, and that a Letter be written to him, subservyed be the Clerk of the Assembly, to send the book heir.

The Shirreff of Teviotdaile said—There is a foull scandall in our countrie—a fellow that hes lived in iucest with his wifes sister; and when Mr Thomas Abernethie was proceeding against him, he was prohibited by the Bishops.

The Assemblie referris this to the Presbitrie.

The witnesses against Mr Thomas McGill was examined, and their probationes ordained to goe to the Commissions at Edin<sup>r</sup>.

A supplication was presented from the Paroche of Cardonald, becaus of their distance from their paroche kirk, to witt, 12 myles. They desyred a visitation, to the end that a kirk might be planted.

The Assemblie referris it to the Presbitrie, taking the help of the Provinciaill Assembly.

Mr George Black, in the Presbitrie of Dumfreis, his Bill referred to the Commission at Kirkcudbright.

Mr Robert Wilkie declaired that he had spoken with Mr Robert Hamilton, minister at Lismahago,



and that he was resolved to give satisfaction to the Assembly in many thinges, and therefore intreated that he may have libertie to advyse him till the morne.

Then the Commissioner of Edin<sup>r</sup> urgit againe the reading of their supplication, and cravit the voites of the Assembly.

The Commissioner of S<sup>t</sup> Andrewes desyrit that becaus his supplication was first given in, it might first have ane answer.

The Moderatour said—I am sorie that this Assemblie, conveyed about so great affaires, should spend any tyme about any thing wherein my name is named; for it is knowne to many of yow how small my portion is, and I pray God their earnestnes for me make it not lesse. I humbly intreat this Assemblie to judge according to knowledge, and not according to the solicitation of any, and I have already submitted myselfe to the judgment of this Assemblie, and not onlie so, but I acknowledge they may command me to goe where they will: therefore I will remove myselfe out of the Assemblie, and let ane uther Moderatour supplie: onlie this, I certifie the Assemblie—if ye goe not on unanimouslie—if the ane half be ane way and ane uther half ane uther way, I will neither consent nor take it as a calling from God to remove.

Then Mr James Bonar, who was chosen Vice-Moderatour, said—I hope it be the unfeingzied desyre of all our hearts, whom God hes ealled together in this Assemblie, to seik the honour of God and the advaneement of the kingdome of his Sone Jesus Christ in this land; and I hope it is not onlie the desyre of the Assemblie in generall, but also the mynd and meaning of these Commissioners from Edin<sup>r</sup> and Sanct Andrewes, who now doe supplicat, and if it can be qualified that the transportation of Mr Alex<sup>r</sup> Henderson, our Moderatour to Edin<sup>r</sup>, will serve more for the advaneement of the kingdome of Jesus and good of the common earand, I hope yee from S<sup>t</sup> Andrewes will applaud; or if the contrare be qualified, I hope these from Edinburgh will also rest satisfied.

Then the Commissioner from S<sup>t</sup> Andrewes gave in a great number of reasons, both in respect of the toune, the paroehe, the Presbitrie, and Universities, why the said Mr Alex<sup>r</sup> should be transported, which were all answered at large by Mr Andro Ramsay, neidless to insert heir.

The Laird of Erlishall made protestation that he should not be transported at all from Lewchars, for many reasons.

Lowdoun said—Since we are to prosesse ane end, let the publick head be so prevalent with us, that no predominant affection cary us away.

Then the Supplications from the toune of Edin<sup>r</sup>, and all their multitude of reasones, were againe read. Then the Moderatour desyred those who were appoynted to heare the said Mr Alex<sup>r</sup> his reasons, and to declair what they had done.

Mr David Diek answered—It pleased our Mod<sup>r</sup> to lay furth his reasons before us, wherefore he should not be transported from Lewchars, and by them we were made sensible how great a burthen he tooke of any other motion; alwayes, after in calling upon the name of God, and hearing of all his reasons at leasure, our resolution ran on this—that the present necessitie requyred his presence at Edinburgh.

Moderatour said—Ye have heard many considerable reasons on all hands; therefore now, the question is, whither Mr Alex<sup>r</sup> Hendersone shall be transported to Edin<sup>r</sup> or S<sup>t</sup> Andrewes?

Then the rolles were called, and there were 75

moe voits for Edin<sup>r</sup> nor S<sup>t</sup> Andrewes. Then Mr Alex<sup>r</sup> being come in, Mr James Bonar declaired to him that the Assemblie had ordained him to be minister at Edin<sup>r</sup>.

Moderatour said—Becauss I know what a fearfull sin it was for a man either to obtrude himselfe upon a place or to resist Gods calling to it, this made me to cast myselfe in the hands of the Assembly: and now for ane externall ealling, I have followed, you voited; and if ye have had any thing before your eyes in voiting but the glorie of God and good of the Church, to yourselfe be it said; and I will intreat you to joyne with me in your desyres to God for a blessing upon my labours that are weake, there, and withall, I beg of the Assembly that if weaknes of bodie or mynd shall come on me shortly, I may have libertie to reture to some private place: which the Assemblie granted.

A Complaint given in against the Minister of Cambusnethen, and referred to the Commission of Edin<sup>r</sup>.

Mr John Bellis Supplication anent the transportation of Mr David Diek to Glasgow, referred to the Commission at Edin<sup>r</sup>.

Mr James Scharpe, minister of Govan, and Mr John Hamilton, minister of Innerkip, were transported to Paisley, upon the toun of Paisley their supplication.

Doctor W<sup>m</sup> Guild presented a supplication to the Assembly—That, whereas there was great fisehing of salmond neir Aberdene upon the Sabbath, which occasioned great profanation of that holy day, by peoples continuall resorting to see that fisehing, even in tyme of divine service; and likeways declaired how he had prevailed much, throw the blessing of God upon his labours, to restrane that abuse, so that divers worthie religious persones who have speeiall interest in that fisehing, had bein moved to draw up a bond and covenant among them to forbear that sinfull practiee in all tyme comeing; therefore supplicats that the Assembly may be pleased to make ane Aet against the said profanation, that upon that ground he might proceed against them, after his returne from the Assembly.

The Assembly, after much disputation of this question too and fro, in respect they could find no Act of Assembly against salmond fisehing for the present, and not willing to make ane new Aet, they appoynted Doctor Guild, Mr John Robertstone, with some uthers, to thinke upon some overture for it against the morrow.

The Provost of Glasgow declaired that he had mett with some uther of the burrowes, and they had condescendit upon the change of Mondayes mercat to Wednesday, and desyred reference might be made of it to the Convention of Burrowes.

The Assembly appoynted the Earle of Montrois, my Lord Lowdoun, Burley, Sir W<sup>m</sup> Dundas, Mr John Ker, Mr Robert Blair, Mr Thomas Mitchell, to thinke upon some overtures to be proponed in Parliament, and the Commissioners to it, against the morne.

#### Sess. 26. [December 19, 1638.]

After in calling upon the name of God,

The Moderatour said—Ye know, as we must rander ane aecount to God for our proceedings, and be comptable to our owne consciences, so it is meit, for the peace and quyetnes of this Church, that, as God hes disposed our hearts to carry ourselves reverentlie in all our proceedings, and be comptable to our owne consciences; so it is meit, for the peace and quyetnes of this Church, that, as God hes



disposed our hearts, to carry ourselves reverentlie in all our proceedings towards the Kings Majestie, so that he be acquainted with our proceedings, and that some humble supplications be directed by this Assemblie to his Majestie, that it may please him to approve, by his auctoritie, what we have concludit. I thinke there be more heir but they will thinke it very necessar. There is heir drawn up a little tast of the frame of it; and at more lenth ye may alter and change it at your pleasure.

Moderatour said—Ye know there was a matter of verie great importance committed to some, concerning these that should be commissioners in tyme of Parliament.

Lowdown answered—We, according to the knowledge we had of men, have made a list of the names of some commissioners and gentlemen. There is somewhat heir concerning them that shall heirafter subscriye the Confession of Faith, as ye know some hes come in to this Assemblie, young noblemen and gentlemen, and offered themselves willing to subscriye the Covenant, becaus now it was a kynd of nonsense to subscriye to suspend the practice of novations, till they be tryed and allowed in a free Assemblie, since now the Assemblie hes determined it; therefore, it is necessar that two or thrie lynes be prefixed before their subscription, who heirafter shall subscriye as followes:—

“The Article of the Covenant, which was, at the first subscription, referred to the determination of the Generall Assembly, being now determined at Glasgow, No<sup>r</sup> 21, 1638, and thereby the Five Articles of Perth, and Governement of the Kirke by Bishops, is now abjured and removed, the civil places and power of Kirkmen being declared to be unlawfull, I subscriye according to the determination of this lawfull Generall Assemblie.”

And becaus the Marqueis [of Hamilton] hes caused print a declaration, that it was neither his Majesties meaning nor his owne, in urging the late Covenant, to abjure Episcopacie; therefore he desyred the brethren to think upon it till the morne.

Lowdown said—The honourable Counsel, they have made an Act, wherein they declair in what sense they subscriyvit to the doctrine of faith, religion, and discipline of the Kirk of Scotland—to witt, as it was professed in anno 1580. This is *major propositio*. This Assembly hes sett doune clearlie, according to the Acts of the Kirk, how the doctrine, religion, and discipline was then professed. This is the *minor*. The conclusion will follow:—That they have subscriyvit according to the determination of the Generall Assembly; for, at that tyme, it is cleare there was no Bishop. The *major* is the Counsells Act; the *minor* is the Assemblies explanation; and the conclusion any bodie knowes.

The complaint against Mr Thomas M<sup>c</sup>Gill referred to the Commission at Edinburgh.

My Lord Lowthian presented ane supplication to the Assemblie, anent the transportation of Mr Androw Cant from Pitsligo to Newbotle, in the Presbitrie of Dalkeith.

Moderatour said—It would seeme reasonable your Lordship should get a favourable answer, considering your diligence and zeale in this cause above many uthers, and I know this not to be a new motion, but to be concludit by the Patron, Presbitrie, and Paroche.

The Commissioner of Edin<sup>r</sup> alleadged that they had made an election of him 24 yeares since.

Then the mater was put to voiting—Whither Mr Andro Cant should be transported from Pitsligo to Edinburgh? And the most part of the Assembly voited to his transplantation to Newbotle; and so

the Moderatour declaired him to be Minister at Newbotle.

The Commissioner of S<sup>t</sup> Androwes presented a supplication in name of the toune of S<sup>t</sup> Androwes for transportation of Mr Robert Blair from Air to S<sup>t</sup> Androwes, for the good of their Universitie.

Mr Robert Blair was called on, who answered—I confesse I am in the hands of this Assembly; but I protest heir, in Gods presence, that I had rather lay doune my life nor be separat from my flock at Air.

The Assemblie thought meit to referre it to a committie—Mr James Bonar, Mr James Scharpe, Mr David Dick, Mr Robert Baillie, Mr John Adamson, Mr Robert Douglas, Mr Robert Murray, Mr James Bruce, Mr Alex<sup>r</sup> Hendersone, Mr James Hamilton.

Then Mr Robert Hamilton at Lesmahago compeired; and

The Moderatour declaired that he had laboured to delay the disussing of this proces very lang, of purpose to gaine him from his faults, and therefore desyrit him now to declair frielie whither or not he would passe from his declinatour which he had subscriyvit? who answered, that he was not weill advysed as yet. Efter much reasoning to and fro, the Assembly suspends him presentlie; declaires him worthie of deposition; ordaines him to compeir before the Presbitrie of Lanerk, and give them full satisfaction, and then to compeir before the Commission at Edin<sup>r</sup>: And, in case he have not given the Presbitrie satisfaction, ordaines them to proceed against him. Because it was impossible for everie Presbitrie to get a full copie of all the Acts of the Assemblie, Therefore, the Assemblie ordaines them to get an index of the principall under the Clerks hand to take home with them.

The Moderatour said—There is a poynt in our Confession of Faith not yet cleared, and therefore it were well done to declair your judgment concerning that ye know. There was a reference in the Confession of Faith to the Generall Assembly. 1, It comends [condemns] the novations already introduced; 2, Concerning the corruptions of the publict governement of the Kirk; and the 3 was concerning the civile places and power of Kirkmen. The two former are already determined. It rests now ye declair your judgment concerning the third; and for the effect, it will be expedient that ye heare some few thinges red to yow—as, namely, the Conference at Falkland, 1599, when the Kings Majestie was first craving to the Ministrie, voit in Parliament, he appoynted a conference for that effect, for clearing of the mater; and, lykeways, that ye heare red to yow, the protestation and reason thereof, given in to the Parliament 1606, by Commissioners from Provinciaill Assemblies and Presbitries. We deny not but it is requisit that Ministers be not far from the Parliament, that, if any ease of conscience fall in Parliament, they may give their advyce from the word of God. But the question is—Whether the Ministers should voit or ryde in Parliament, as Lords and Nobles? Their pretence, at first, was to vindicat the Kirk and Kirkmen from contempt and poverty; but we neid not to doubt but our Lord will see us get honour and respect enough, if we keep ourselves within the bounds of our calling; and, I am perswadit, there is not a faithfull Minister but he will have more joy when he comes from catechising a number of landwart people, nor a Bishop hes when he comes from ryding in Parliament. And they thought to vindicat themselves from contempt and povertie; but, it is lyke, now both will come upon them.



Mr Andro Cant said—The Apostle sayeth—Who is sufficient for these thinges? And yet they will take on two offices, and jumble the civill and ecclesiasticall function throw uther, which is very incompatible.

Mr Andro Ramsay said—I have spent many sermons and treatises against it; and, therefore, with my heart, I condemn it.

Mr David Dick said—The first thing that ever brought me in disgust with the estate, was when I considerit what was the reason that Christ dischargit his disciples to be rulers of the Gentiles; and the satisfaction that I got from this, that Christ would not have his kingdome ane eyesore to the world; so my heart could never be to that course.

Moderatour said—When it was first instantlie urgit by auctoritie, there were some of the ministers had the sagacitie as a foirmell, what could come of it, which made many to protest against; and when, by so doing, they could not hinder it, to put cautions upon it. But since these caunons could not keepe them within their bounds, but they with their voit in Parliament did prejudge the Kirk, whither should not the Church be red of that which hath wrought her so great prejudice? And I thinke there is no more hertrogenius from the matter of a ministers calling, nothing settis him worse, nor nothing more contrarie to his Masters cariage, nor to be a Lord in Parliament. The question is twofold. The first is, Whither a minister of Jesus Christ, separat to the Gospell, should breuke civill place as is usit in a Couueell bench or Session? And the uther is, Whether he should voit in Parliament or not? In a word, Whither their exercising in civill offices be lawfull or unlawfull?

The rolles being called, the whole Assembly most unanimously, all in ane voit, with the hesitation of two, allanerlie declaired, that its both inexpedient and unlawfull in this Kirk, for ministers, separat to the Gospell, to bruike any civill place or office qwhatsomever.

Moderatour said—We have reason to blesse the Lord for this harmonie—that we sing all ane song, and are led by ane spirit. I answer, where mens mynds are put to a poynt in their worldlie ambition and covetousness, they will, for their aine parte, be content to want these dignities. Thir must either belong to ministers in respect of their ministerie, or in respect they are prelates, and so are called Lords; and if as they are ministers this be unlawfull, as they are prelates it hes double unlawfulness.

Moderatour said—There would be some considerations had concerning Ruleing Elders. It hes pleased God so to dispence with the hearts of our nobilitie, gentry, and burrowes, that they have by concurrence helped forward the caus of religion, or, as the Scripture phrase is, they have helped God; and, therefore, it becomes me, with all thankfulness, humbly to acknowledge it; and although we have gone far on in our ecclesiasticall determinations, we must not thinko the mater endit yet; but the Kirk of Christ in this land is yet wrestling with many difficulties. Neither can we thinke ourselves secure in peace and quyetnes, till civill auctoritie ratifie what is heir done by ecclesiasticall constitutions. Therefore it were meit that these elders should still give us their assistance, especiallie in extraordinary occasions. Only ye have to consider whither or not there may be a motion made anent the restoiring of them to the integritie of their places that they had, at the first subseriving of the Confession of Faith?

Mr Robert Murray said—Truelie, when I consider the case of our Kirk as it hath beine a long

tyme bygone, and the benefite it had by ruleing elders, I thinke we should be verie glad to agrie to the restoiring of them againe; for I find, ever since the reformatione, in all sorts of Assemblies where ruleing elders hath bein, that they have done great good; and I find that there hath bein many complaints for the want of them; not, never for the having of them, either in Presbitries and uther judicatories. For my pairt, if we looke simple to the good of the common cause, which we all pretend to doe, we will be glad of their assistaunce at all our Assemblies; for it would be a strengthening of our weake hands.

Lowdoun said—I understand that in all Parliaments where any thing hes bein done concerning the Kirk, it hath ay bein the first act that the privilege and libertie of the Kirk be ratified; and now the evils that troubled Kirk and state, being, by the Confession of Faith in this Kirk, and by the discipline of it removed, I thinke are, upon you, but a parte of that which is requyred to be ratified in the generale article which yee red first. But there is a policie and government sett doune in this Kirk, not to be contraverted in it selfe; and if, because of the long disswetude of it, or suppressing of it, any hath feares for any thing that may be in it, I think that may be adverted to; but, for the thing itselfe, it is so conduceable for the strengthening of the Kirk and her friedome and liberties, that there is no way comparable to it; for it goes doune at the upmost, and goes doune from the representative Kirke to Provinciall Assemblies; from them to Presbyteriall; from prebyteriall to paroches and sessions; and so, what is done heirby, this Kirk obliesses everie congregation to stand to it, as a thing that concerns them all; and this it is sworne, because it is the discipline of the Kirk, and the grounds of it are in the bookes of policie; and, if it were not for the good of the Kirk, (what can anything?) doeth it concerne ruleing elders, albeit many hes feares of a predominant way. It is rather to be feared that we will be slack and remisse upon the uther extremitie.

Moderatour said—I hope that God, who hes led us hitherto by a spirit of wonderfull unanimitie, shall so regulat the hearts of everie member that hes had place in this Assemblie, that all their designes shall conduce to the weill of the Kirk. It is objected against us, that we would not be content of 14 bishops, but now we have many hundreths overruling us. But let us take this for a suggestion of Sathan, and hold our eye upon the great Bishop of all, through whose blessing this will be a meane to keep his work in unitie and peace.

Mr Andro Ramsay said—I think it no sort expedient to call it in question, which I am able to cleare against all the world.

Mr Andro Cant said—We have sien such a great blessing of God upon the constitution of this Assembly, that certaintie we have great caus to rejoyce; and, next unto the presence of our God, I attribute a great parte of this harmony to the good disposition of Ruleing Elders; and it is a very uncharitable prejudice to judge amisse of such a divine institution before we have experience of the evil of it.

Mr Alex<sup>r</sup> Kerse said—There are two termes that are not scriptural termes as they are used, or rather abused—to witt, the Clergie and [laitie]. The Popishe Kirk appropriates the ane to kirkmen, and in a maner excludes the people of God as not of the Lords inheritance, and, in a sort, have put the people of God from their station and place that they have right unto by the law of God, that they will not suffer them to humane consultative or decesive voit in any sort.



The rolles being called, the whole Assemblie most unanimously declaired the approbation of that old order of Ruling Elders.

Concerning Mr John Bellis supplication for a helper, the Assemblie referris it to the consideration of the Commission at Edinburgh.

Sess. ultima. [December 20, 1638.]

After in calling upon the name of God,

Doctor Guild said—There is a motion made, as ye all hard the other day, concerning salmond fisching, and proffanation of the Sabbath thereby, and it was not thought expedient to make new Acts, but to search for old ones, and to revive them. In Gods providence, there is heir found ane Act, in the year 1562, of the Assembly holden at Holyrud-house, 12 Nov. 5 Session, where salmond fisching is expresslie inhibite and ordained to be punished by the censures of the Kirk; and I requyre that the Clerk may read it; which accordinglie was done, and the whole Assembly, in ane voit, renewed the same.

The names of the Commissioners for the Parliament being red, and the Artieles which they behoove to present to it, they were desyrit to represent them to the Clerk of Register some dayes before the Parliament.

Moderatour said—There will be some directions from the Assembly to Ministers what to doe first when they goe home. For this end, Presbitries must have ane extract of some Acts shortlie; and becaus there is a declaration of the Confession of Faith to be red, it wer good it wer intimat in all pulpits, as lykewayes thir things that are concludit in Assemblie concerning Episcopacie, the 5 Artieles of Perth, the Service Booke, Booke of Canons, Booke of Ordination, High Commission, and the Sentence against the Prelats, to intimat, that people may ken who are excommunicat, and who not.

Then there was red two Acts, which wer put in forme: the ane commanding the Covenant to be subscryvit be all Masters of Universities, Colledges, and Schools, and all uthers who have not alreadie subscryvit the same, with these words prefixed before their subscription; ane uther Act, discharging all subscription to the Covenant lately urged by his Majesties Commissioner.

After the calling the rolles, the whole Assemblie most unanimously allowed both these Acts.

Moderatour said—There is a motion made concerning thanksgiving to be keeped when ye goe home to your partieular congregations; and truelie, considering our evil deservings, and what the Lord hes done to us for meir favour, we have no lesse nor great reason to acknowledge it, both publictly in our congregations, and privatelie in our families, and to delyte in the honour of God, and make frequent commemoration of it at the first convenient occasion after ye returne to your Presbitries and paroches; and I trust it shall be acceptable unto God, and give no just occasion of offence.

The Assemblie allowes this Artiele, and ordaines Ministers to make intimation in their pulpits of the conclusion of this Assemblie, the first Sabbath efter their returne home; and desyre their people to prepaire themselves against the next Sabbath thereafter, not for carnall festivitie, but for a humble thanksgiving.

The Assemblie ordaines the Presbitries to proceed against those who subscryvit the declinatour, and all uthers who will not acknowledge the Assembly, with the censures of the Kirk; and becaus there are some of this sort about Aberdein that

their voits will be moe in Presbitries, the Assembly ordaines them to be called before the Commission at Aberdein.

Lykewayes the Assembly ordaines the Moderatour and Clerk to give out summouds upon relevant complaints of parties before the next Generall Assembly, becaus the tyme could not be weil condiseendit upon. The rolles were called, and most parte of the Assembly voided that the third Wednesday of Jullii, the next Generall Assemblie should sitt at Edinburgh; and if the Kings Majestie be pleased to indiet a Generall Assemblie, either before or efter this tyme, the Assemblie declaires that it was good reason his Majesties tyme wer waited on.

Then the Commissioners of St Androwes presented their supplication for the transportation of Mr Robert Blair from Air to St Androwes; and, efter many contestations betwixt the Commissioners of St Androwes, my Lord Lindsey, Provost of Air, and uthers, the mater was put to voiting, and there was no great difference amongst the voites, execept only 4 or 5 moe that voided for St Androwes uor for Air: quharefore,

The Moderatour, in name of the Assemblie, ordained him to goe to St Androwes.

Lykewayes, the Commissioner of Aberdein did supplicat for the transportation of Mr Samuell Rutherford from Anweth, in Galloway, to be Professor of Divinitie in the new Colledge of Aberdene.

Mr Samuell said—My ministrie and the exercise of it is subject in the Lord to this Honourable Assemblie. But I trust in God this Assemblie will never take from me my pastorall echarge; for there is a woe unto me if I preach not the Gospell, and I know not who can goe betwixt me and that woe. If I doe not preach the Gospell, I verilie thinke the High Commission did not nor could not doe no worse nor that unto me; and therefore, he desyrit if there were any such thing as that in their mynd, they would not intertaine such thoughts; for he said he would be content to suffer prisonment, banishment, &c., but never lay downe his ministrie.

The Moderatour answered—He was glad that his reasons were so weake; and after much reasoning to and fro, it was referred to the Commission at Edin.

The Moderatour asked of the Assembly if there were any other partieular to be remembered, or if any man had any motion to propone, or any further to say, since this was the last Session, and they were now this night to ryse and goe home to their churches? The Assemblie being silent, and all matters considerable being now discussed, the Moderatour uttered these speaches as followes:—

*The Moderatour, his last speech, directed to, the Assembly, immediallie, before the dissolution thereof.*

I think there be none heir that expects any discourse of me worthie the taking up the tyme appointed for so great effaires as hes bein heir, or of such Noble, prudent, learned, and wise eares as heares me. Only I will say two things concerning my selfe—one is, that the evil that I would have sehunned is come upon me; for I did not apprehend it, neither can I call it absolutelie an evil, becaus there are good in it, and I am sure, God hes done good by it. But this I say—I would have sehunned it, partlie becaus of that bashfulnes which I fand in my selfe, and partlie becaus of my unwillingnes to make my weaknes and infirmities knowne to the world; but ye see, contrarie to my disposi-



tion and resolution, I have bein chargit to take on this charge, quihich I have borne thir dayes bygone, and I doe crave pardon of the God of Heaven and of this honourable Assembly, of the faults that hes escaped me since I tooke it on, quihich I know are manyfold.

This is ane thing concerning myselfe : the uthler concerning myselfe is this—That I observe the beginnings and closeings of the worke of God to be very answerable. The beginnings were very weake—by very weake instruments—and so hes the conclusions beene, by reason of my weaknes, who have bein imployd in it ; and this is, that the Lord may get the glorie that belongs to him of his own power.

But what shall I say ? That I have bein ane Instrument, may ye yourselves have bein instruments raised by God. By your pietie, prudence, and paines, the Lord hes brought this worke to passe ; and I cannot say but all sortes have bein verie diligent and faithfull, zealous, and stranglie assisted by God in every poynt committed to them—in trueth to my admiration.

Ye must not rest upon yourselves, but ascend higher, and looke to these worthie Noblemen who have beine cheefe instruments in this work, and how it has pleased the Lord to move their hearts, contrare to their place—being subject to many temptations—and contrare to the age of some of them, to attend thir affaires quherin is not much worldlie bewtie or contentment ; yea ye know what paines and hazard they have undergone—yea, what charges—altho' I will not mention so fecklesse a mater, for if I should, I would wrong their pious resolution.

Yet ye must not stint your mynds heir ; for, if ye doe, ye wrong them by giving them more nor due, and so doe prejudice to the honour of the Majesty of our God ; and therefore to ascend higher, I pray, from the meauest instruments that is heir, of Nobles, of Barons, of Ministers, of Elders—goe forward and consider of the Kings Majesties goodnes toward us ; for ye know this Assembly was indicted be his Majesties auctoritie, and that his Majesties High Commissioner was heir till it was fullie constitut ; and let us take this as a great favour from the Kings Majestie and his Commissiouer ; and let us stirre up our hearts to pray to God for his Majesties long prosperous reigne over us.

But we must not rest upon the King, but ascend yet higher unto God himselfe, and give him his owne praise ; and surelie the name of our God is worthie of all praise ; for he has raised us out of the deipes of the earth ; he has raised us from the dead, and exalted us very far. The yondest of our wishes was to have bein at our first reformation ; and now, in his gracious dispensation, their measures are restored to us ; and, if it be not so, let us blame ourselves ; for yee see how the Lord, in his providence, hes given us the occasioun and opportunitie, that all things may be done in the hous of God, according to our former integritie, and which, I trust, I am assured, is according to the will of God. What shall I intreat yow, honorable, reverend, and weill-beloved, to doe, but, first, to consider the great and singular kyndnes—the inestimable favour and love of our Lord Jesus Christ, towards us all, the children of men, redeemed by his blood—that he so loved us, from all Eternitie, that he gave himself to so painfull sufferings, and shameful sufferings, to purchase the Holy Spirit unto us ? And truelie poore Scotland, but rich in respect of the Gospell, may say, that the Lord hes loved us ; yea there was never such a love heard tell of as he has borne to us.

Next I would have yow to consider—and I put no question but ye have coudiderit it—the goodnes of the Lord our God, and his great bountie toward us in this great worke, which now, ecclesiasticallie, is brought to a kynd of conelusion. Remember ye not that our adversaries were at a verie great height of pride ? Remember ye not that they prydit themselves in auctoritie, and in their prudence and policie ; and if there were any name of learning in the land, they would faine have had it appearing on their syde to be a terrour to ws, whom they thought sillie, poore, ignorant saules, besyde them ? And how our sun was almost sett at noone—and we would surelie have died in darknes—except the Lord had appeared and made his light to shyne ?

Next, beloved, I would have yow to consider how small the beginnings were, yea, both small, weake, and obscure ; and so soone as the Lord touchted the hearts of men of all ranks, from the highest to the lowest of the countrey, and how sensible the Lord wrought with many a saule, what light filled their mynds, and what heat filled their hearts ! For many old men who wer friezing for cold for want of devotion, they found yet their hearts glowing with the heat that was breaking upon them, at the renewing of that Covenant, and we found the documents of his presence at all our Meetings ; for howbeit there were thousands mett together many tymes, there were nothing but quyetnes and peace : and surelie our adversaries themselves have contributed to our conclusions, (thanks be to the Lord that rules all the actiones of men !) for they have wrought more for our ends nor our owne prudence hes done. When our courses failed us, their courses promoved our intentions ; and this is the extraordinarie Providence that workes, not only by meanes, but without meanes, and contrare to meanes—contrare to their malicious intentions and purposes that are against ws. And should not we, beloved, remember with thankfulnes the beginnings—these glorious beginings of reformation in this land—greater pietie—more religious exercises—greater sobrietie, chastitie, and care to keep the bodie from uneleanes—greater care to perform the dewties of righteousness—not so much craft, cruelty, oppression, falsehood in the land, as was before this work began ? And, if it be prosequit, it will appeare to be the worke of God.

But shall we not acknowledge His hand that would have this Assemblie indicted by auctoritie, and his Majesties Commissioner staying till it was fullie constitut ; and that the Lord should have keiped ws heir against all sortes of feares quhatsoever ; and, being heir, has keiped us in such a wonderfull unitie, and, I trust, also the light of veritie ? Surelie this should make ws wonder at the goodnes of God ; but especiallie when we consider the comfortable conclusions this Assemblie hes brought to passe. And now, we are quyte of the Service Booke, which was a booke of Slaverie and Service indeed ; the Booke of Cannons, which tyed us in spirituall bondage ; the Booke of Ordination, which was a yocke put upon the necks of faithfull Ministers ; and the High Commission, which was a guard to keip us all under that slaverie. All these evils God hes red us of, and lykeways of the civill places of Kirkmen, quihich was the splendour of all these evils ; and the Lord hes led captivitie captive, and made Lords slaves. What should we doe less, then resolve, first, since the Lord hes granted ws libertie to labour, to be sensible of it, and take notice of it ; for we are like to a man newlie awaked out of a dreame, or lyke a man that hes lyen lang in the irons, who, after they are tane off, and he



redeemed, he feilles not his libertie, but thinkes the irons are on him still. So it is with us. We doe not feill our libertie; therefore it were good for us to studie to ken the bounds of our liberty wherewith Christ hath sett ws free, and then again to labour earnestlie that we be not more intangled with the yoke of bondage; for, ye know, in logicks, *a privatione ad habitum non datur regressus*. [It is] true—in politick plaeces: these that are great in Court, if once depryved, searelie wones to their credit; but espeeciallie we know it is true in spirituall things, and yet the Lord, miraeulouslie and extraordinarilie, can give eyes to the blind, give eares to the deafe, raise the dead; and we find, among ourselves, that once being, in a manner, depryved, at least run on far in a course of defection, the Lord hes been pleased to turn to us, and make us turne to him; but take heid of the seecnd privation—that which depryves our saules of libertie, and rather endure the greatest extremitie utherwayes before we be intangled. I grant the Crosse is hard to looke upon; bot if we get strenth from our Lord, it shall be an easie yoke and burden. Remember the plague of Laodieea for lukewarmnes, and bewar of it; for, ye know, the Lord threatens to spew them out of his mouth, which imports, 1. That he will take delyte in executing judgement upon us, as a man hes delyte when he empties his oppressed stomaek. 2. It shall have reproach as a man goes with his vomiting to a backsyde. 3. It imports, that he shall never returne, as a man returnes not to his vomite. Therefore, 1, let us know our libertie; 2, the esteeme of it reverentlie; 3, to use it diligentlie.

Then for our thankfulness—I say it becomes us to be thankfull to the Kings Majestie, under whose peacable protection we have had this libertie to con-vine together; and, truelie, I would recommend to yow, with your permission, two things—the ane is, we would not cease for any thing is come or can come, or is feared to come, to pray most ferventlie, and to indure in prayer for our graceous Sovereigne and King, whom God hes ordained to be our supreme Magistrat, and to pour out our hearts on his behalfe, that it would please God to blesse him with all royall blessings. In all our preachings we would be carefull to recommend his Majestie to the People. We ought, indeed, so to doe; for it is the Lords will that we doe it; and next unto Christ let him have the highest place; for howsoever the fifth command be a precept of the seecnd table, yet it is next unto the first, teaching us, that next unto our dewtie to God we owe dew reverence to these that are in plaeces above us: Therefore, when ye heare evils reported, attribute them not to his Majestie, but to misinformation. Ye that are acquainted with that storie, Numbers 22, of Balaam and Balack, ye will find that God spak to Balaam. Balaam minsched it, and what Balaam spak to Balacks servands they minched it lyke-wayes; for Balaam said—“The Lord will not give lieve to goe,” and the servands said, “Balack.” Balaam said—“He will not come.” So it comes to pas many tymes with true Prophets, that God will not give us lieve to doe this or that.

But it is said to the King—“This rebellious People will not doe this or that,” and he cannot understand but what he heares; therefore we should pray to Him who hes the hearts of Kings into his hand, and the keyes of all his senses, that he would convey knowledge to his Majesties royall heart, that he may understand matters aright; and we put no question but when he understands our proceedings, which hes been with respect to religion and loyal-

tie to him, he will think so weil of them, that he will vouchsafe his approbation and royall ratification to them in his owne tyme, which God grant.

Then, for these Nobles, Barrons, Burgesses, and others who have attendit heir, this I may say confidently, and from the warrand of the Word—“These that honour God, God will honour them.” Your Lordships, and these worthie Gentlemen and Burgesses, who have bein honouring God, and giving testimony ample of your love to religion this time bygane, (though I will not excuse your former backsydings,) that, if ye will goe on, the Lord shall protect you, blesse you, honour you; and your faith shall be found in the day of the revelation of Jesus Christ, unto praise, honour, and glorie—that is to say, these that speake evill of you shall praise you; these that thinkes you foolish now, at that day shall confesse you were zealous; these that dishonoured you shall honour you; or, as the word ‘glorie’ imports, that they shall have a reverend opinion of you; nay, even in this world, your faith, devotion, and zeale shall be found unto praise, honour, and glorie; and the Lord shall returne you ane hundreth fold more in this lyfe, and, in the world to come, lyfe everlasting.

And I must say one word of these Nobles whom Jesus Christ hath nobilitat indeed, and declaired sensible to be worthie of that title of nobilitie. Ye kuow they were lyke the tops of the mountaines that were first disecovered in the deludg, which made the litle valleyes hope to be delyvered from it also; and so it came to passe. I remember, in the eastern countrie, where they worship the sun, a number being assembled earlie in the morning to that effect, all stryving who shall sie the sun first, a servand turned his faee to the west, and waited on. The rest thought him a foolish man, and yet he got the first sight of the sun schyning on the tops of the western mountaines. So, truelie, he would have bein thought a foolish man that would have looked for such thinges of our nobilitie; yet the Sun of righteousness hes beine pleased to shyne first upon these mountaines; and long, long may he shyne upon them, for the comfort of the hilles and refreshing of the valleyes; and the blessing of God be upon them and their families; and, we trust, it shall be seene to the generations following.

As for us of the ministry, we have caus to praise the Lord that hes had such a peacable meeting heir, and that the Lord hes led us on in peace and trueth; that there hes beine no difference worthie of consideration amongst us. It is a rare thing to sie such a harmonie; scarce hes the lyke beene seene in any nationall Assembly.

Last, I must give a word of thanksgiving to this Cittie, wherein we have had such a comfortable residence, and to the principall Magistrats of it, who hes heir attendit our meeting, and hes had due cair to provyde extraordinary commodious seats for us, and we have receaved very good intertainment in this cittie. The best recompence we can give to them is, to pray for the blessing of God upon them, and to give them a tast of our labours by visiting their colledge, and any other thing that consists in our power, without prejudice to the Kirk of God, that so the kingdome of Christ may be established among them, and glorie may dwell in this land.

After which the Moderatour desyred some of the brethren to speak a word of exhortation.

Mr David Dick said—We know not how shortlie the Lord may call us to trouble and sufferings for his trueth; for his Majestie hath kepted us still in suspence all this tyme, and, as he has mingled all our former steppes with fear, so now he keepes us



in the same temper, to the end our rejoyeing might be as it should. But if we will continue to doe as we have begun, in supplicating our God and our King, and sett our face toward our Lord, and hold the rule of his Word before our eyes, and make himselfe our fear and our dread, we neid not to think any thing els, and acknowledge his soveraigntie over all creatures. This is the short eutt and perfect rule by which our goings must be ordered; and if, in this path we meit with harsh troubles, when they are disgeasted a while, sweit and solide comfort will be the upshott of them all, provyding we could wait for patience on our Lord; and becaus, out of all doubt, the proceedings of the Assembly will be tryed, let us arme ourselves with the strength of our Lord to defend all our laudable constitutions, and, withall, bear with pitie the misconstructions of the world, making use of our liberty, and labouring to walke in a pure-pointed-out light; wondering at all the passages of our Lords providence, and admiring the large measure of reformation granted to this land; rejoycing to see sehame and confusion routed on the fall of Sions adversaries, and sevenfold rendered into their bosome who slandered our Reformers as not learned and wyse with their zeale: the contrare quhereof their laudable aets and constitutions makes manifest. And if this we doe, having now gotten a reformation sett on foot againe, if we goe on prudentlie, advaneing our Lord Jesus, keeping ourselves from a lordlie denomination; both Ministers and Ruling Elders knowing their duties; and everie ane seiking the helpe and assistance of ane uther; that as the hands cannot say to the feete, nor the feete to the hauds, "we have no neid of yow," so we may all, as members of ane bodie, studie to advance our Lord and his honour; and, if we will studie to repent for the wronges God hes gotten in this land, and studie for a thorough reformation of ourselves, our people, and our families; then it shall come to passe, that the blessing of God shall be upon ourselves, our eallings, and laboures, and our posteritie, and we shall be hid in the day of the Lords anger.

Then Mr Andro Ramsay, being called on to speake next, said—Among all the pairts of Gods worship, I acknowledge none more acceptable to God than thanksgiving; and it becoms us verie weill to be thankfull, if we regaird, first, the beginning; secondly, the progresse; thirdlie, the happie conelusion of this great worke. First, if we regaird the beginning which was (1) wonderfull, (2) unexpected, and (3) powerfull. First it was wonderfull, in respect that, by a few number of the basest offseourings in the land, God did begin this worke, that the glorie might be given to him alone. Secondlie, As it was wonderfull, so it was unexpected; for searse ane in all Scotland could have any hope to see this dayes worke. Thirdlie, It was powerfull; for, before it begane, religion was dieing, and the breath of it expyreing. But now it is reviving; the winter is over and gone; the floures appeare in the earth; and the tyme of singing of birds is come, and the voice of the turtle is heard in our land.

Againe, if we will looke to the progresse of this worke, we will see great matter of thankfulnes; for whatever any intendit for our hurt, he made it to turne for our good. Third, for the conelusion, 1, If we respect this frequent meeting we have had; 2, this powerfull and gracious assistance we have felt; 3, this wonderfull harmone and unanimitie that we have had; 4, the happie conelusion that we see now with our eyes: In all thir respects we have great reason to praise God.

First, for the frequence of this meeting, there was never such a meeting at such a worke sein in Christendome. 2, So powerfull assistance, both of the spirit of our God for which we glorified him, and of these worthlie nobles and uthers heir present, on whom we wish all earthlie blessings—blessings heir, and eternal happinesse in the lyfe to come. 3, For our harmonie; there was never such a harmonie; that, all in ane voit, we have rejeected and condemned that Service Booke—a booke of slaverie and servitude indeed—that superstitious Booke of Ordination, and that Booke of Canons, which was a bulwarke and defensee for all the rest. 4, For the happie conelusion, we have great reason to thanke God that these bookes are now condemned. The 5 Article that rent our Chureh are now condemned; Episcopacie now abjured, and all uther matters introductorie to Popperie—the Lord hes fried us from them; for which I say we have great reason to thank God. Now let us not sing a requiem to ourselves, nor yet be insolent in our earriage, but behave ourselves wiselie and prudentlie towards our superiours; and, though the Bishops be east out, let us not be carelesse of auctoritie, but let our earriage be modest and our speach seasoned with grace. 3, Let us be vigilant and not secure; for, a great and good worke such as this is, it was never brought to ane end without opposition. 4, Let us be courageous in the strenth of our God; and, lastlie, thankful to his great name for that wonderfull unanimitie that hes beine amongst us, and happie conelusion that God hes granted unto us.

The Moderatour said—Truelie it becoms us not to be insolent; for the Lord hes bein pleased so to dispose of us as we have not eaus to be wantoun, for if, as we had divine auctoritie to warrand us, so we had humane, I feir it should be hard for us to keip ourselves within bounds. But the Lord, knowing our weaknes, keipes us in this temper; and if we eary ourselves worthlie of that God hes bestowed upon us, who knowes but he will graceouslie grant us all our desyres, and turn the countenance of our King toward this Kirk? There rests ane circumstance which I should have remembered. I am assured it will be aacceptable to this Assembly, that some of these Noblemen who hes bein ane ornament to this Assembly should speake ane word before it dissolve, espeeciallie my noble Lord Argyle, whom we could have wished, if it had pleased his Lordship, to have come in sooner: but the Lord hes reserved him for the fittest tyme, and I trust the Lord shall honour him with all blessings, both heir and heirefter.

My Lord Argyle said—Since it pleases you, Moderatour, to name my name, yow give me occasion to thanke yow for putting so favourable a construction upon my cariage, whereas ye wishe me that I had come in sooner. Truelie, I tell yow it was not want of affection to the good of religion and my countrie, and I desyre that favourable construction of yow still, that my intention was to have done more good wherein I was not inlailing before; and, when I saw I could be no more usefull, except I had bein a knave, I thought good to doe as I have done. Ane thing I would remember yow of who hath bein purging the Kirk of evill instruments, that ye would labour to learn a lesson upon their expenses: *felix quem faciunt aliena pericula cautum*. I remember, upon ane occasion, I told some of them to their faee, that there was two faults which had brought meikle evill in this Chureh—to witt, pride and avariee, which I cannot deny but to be grievous faults in any man, but espeeciallie in Churehmen. But I hope everie man shall walke by the square



and rule which is now before him—keeping duetie first to superiors; secondly, to equals; and, thirdlie, to inferiours. For superiours, their needs nothing to be farder said nor hes bein alreadie by the Moderatour. Only this; let us all labour, since we are fried of many yockes of bondage, not to abuse our Christian libertie, which may make our profession to be evil spokou of. Secondlie, for our duetie to our equals—there is a caus much spoken of in this Church, betwixt ruleing elders and ministers. Some miuisters feares that it be a corbing of them; but, if any of these elders stryve to make use of that power for any eud but for the good of the Kirk, they may be sure of their ounie judgment. Truelic, it may be, that some ruleing elders in some places be not so wise as neid wer; but let not that, if it fall out, breid a distemper in the peace of this Church; but let unitie be all our rules; and, if anything of this kind fall out in Presbytries or Parochines, let neighbour Preshytries and Parochines joyne togither for settling thereof, that no dissension be of this kind, for it may doe much evill. Thirdlie, for inferiours—I hope ministers will studie to know their duetie towards their flocke and people; lyke-wayes, will have due regaird to these whom God hes sett over them; for we must not thinke that becaus we want Bishops, therefore we may live as we will. Aud, if this we doe, though our gracious Master doe not everie thing at first as we would wishe, yet tyme may worke many things, if we goe on constantlie in the defence of our religion and of the auctoritie of our gracious Sovereigne, whom, we pray, may long and prosperously reigne over us.

After that the Moderatour had given thankes to my Lord Argyle for his speach, and craved pardon of his Lordship for expressing his name, he said—As for that which my Lord hes beime wiselie speaking, concerning our duetie to the Kings Majestie, we have good reason to advert unto it; for this reason, addit to many—becaus our adversaries gave it out as a calummie against us, that his government which we are about, established by Christ in this Church, cannot stand with monarchicall government, but Episcopall only; but let us resolve to give a prooffe of the contrare—that the government which Christ hes appoynted, may weil stand with monarchicall government; and, we trust, that we are uot to be suspected of our loyaltie toward his Majestie; and this certainlie will make his Majestie perceave that we have done nothing but what we have done moved by God, and drawn be necessitie to doe. And for this end let us—to conclude this great worke—beseech Him who hes the hearts of Kings in his hands, to inclyne our Kings heart, and let us magnifie, from our hearts, our graccous Lord for this peaceable meeting and happie conclusion we have had; for the which we are obliessed all the dayes of our life to be thankfull to our God and King, and to rander unto the Father, Soune, and blissed Spirit of Grace, all praise, endless honour, and glorie, for now and ever.—AMEN.\*

FINIS.

\* Mr Stevenson, in his "History of the Church and State of Scotland," (1753, *et ann. sequen.*) after giving the closing speeches of Henderson and Argyle, concludes his account of the Assembly, 1638, in these terms:—"The Assembly being thus happily concluded. Mr Henderson said—*We have now cast down the walls of Jericho: let him that rebuildeth them beware of the curse of Hiel the Bethelite.*" As Mr Stevenson does not state on what authority this is given, and as it is not mentioned in any other work that we have chanced to see, we merely add it in a note, (the expression being frequently referred to,) without having before us any contemporary voucher for its accuracy.

## THE GENERAL ASSEMBLY,

AT EDINBURGH, 1639.

BEFORE proceeding with a detail of the Acts and discussions of the Assembly of 1639, it is fitting, in conformity with the geueal plan of this work, to state briefly the occurrences which resulted from that of the preceding year—events, the character of which must, in some measure, have been anticipated in the perusal of the numerous documents which we have already concentrated in the foregoing pages.

It is evident, from many indications in the correspondence and public documents of the period, that, from the first movements of the Covenanters against the Service Book and Prelacy, both the King and the Scotch Leaders contemplated the coutingency of an appeal to arms, although both parties disguised, as much as possible, their mutual auticipations and arrangements. The rupture which ensued on the Comuissioner's dissolution of the Assembly on the 29th of November 1638; the continuance of the Assembly in defiance of the King's authority, (apart altogether from the nature of its subsequent proceedings;) and the proclamations by Hamilton, after his retirement from the Assembly—in which all who continued in it were denounced as liable to the penalties of treason—amounted, in substance and effect, to a declaration of war, on the part of Charles, against the great body of his Scottish subjects, as rebels. Nor, in the circumstances, could aught else be expected; for, with the Sovereign's notions of the royal prerogative, and influenced by the spirit disclosed in all his letters and instructions to the Commissiouer, nothing, save consciousness of utter want of power, was likely to deter him from enforcing full and unlimited authority over all his subjects; while, on the other hand, the bold, numerous, and influential representatives of national feeling that composed the Glasgow Assembly of 1638, must have been prepared, from the first hour of its meeting, to raise the standard of revolt in the field, unless the objects at which they aimed with such intense enthusiasm, were otherwise attained. In fact, even before the meeting of that Assembly, both the Kiug and the Covenanters had secretly prepared for a conflict; and, after its dissolution, and the scornful rejection of its supplication for a sanction to its Acts, the exertions of both parties were commensurate to their means and their relative positions.

The chief Acts of the Assembly of 1638—some of which have been made subjects of controversy—were, 1st, The election of their Moderator and



Clerk, and their constituting the Court before receiving the Declinature tendered by the Prelates; 2d, The Acts approving of the Registers; 3d, The continuing to sit after the Commissioner ordered it to dissolve; 4th, The Act condemning the spurious Assemblies from 1606 to 1613, inclusive; 5th, The Act condemning the Service Book, and other Books forced on the country and Church, by the royal prerogative, without the sanction of Parliament or of the Church; 6th, The deposition and excommunication of the Prelates and others; 7th, The prohibition, by its own authority, of Episcopacy and the practice of the Five Articles of Perth, under the pains of censure and excommunication; 8th, The Act against the Press.

Of these, the first five, and some other relative Acts, reviving former laws of the Church, appear to be quite unexceptionable, and fully within the competency of a free General Assembly, according to the laws of the land, and the consuetudes of the Reformed Church, from the time of the Reformation; and these were all Acts, legitimately within the range of spiritual and ecclesiastical jurisdiction. We know not on what ground it can be contended that it was bound to dissolve itself on the mandate of the King or his Commissioner. It was confessedly convened by the royal proclamation; but we know of no authority by which the executive power was at that time warranted to dissolve a General Assembly, by its mere *fiat*, after being so assembled, upon an anticipation that it was about to act *ultra vires* and illegally.

The 6th, 7th, and 8th classes of Acts to which we have alluded, were of a different character, and imported an assumption of civil power and jurisdiction. Had that Assembly, upon the points referred to, confined itself to an expression of opinion in the first instance, or taken cognizance only, and in an orderly manner, of the moral and ministerial delinquencies of the prelates and ministers, there does not appear to be any good ground for challenging its procedure; and, having exhausted its proper spiritual jurisdiction, it could then have applied to the supreme legislature for a ratification of its ecclesiastical conclusions, and thus avoided the rock on which it split, and, for many "evil days," made shipwreck of the genuine and legitimate Presbyterian Church of Scotland.

It would be disingenuous, as well as absurd, to disguise the fact, that several of the Acts of the Assembly of 1638 were violations of, and irreconcilable with, the existing law of the land, and imported an assumption of authority identical with that of the State. In fact, that Assembly was a Political Convention, as much, at least, as an Ecclesiastical Synod—having fully a hundred Members of Parliament in its composition; and, in many of its enactments and decrees, it directly rescinded and superseded a great number of Acts of Parliament. Without entering at all on controversial ground, we may remark, as a matter of fact and of notoriety, established on the face of the Statute Book, and by the tenor of the Assembly's Acts, that that Assembly, virtually and

explicitly, abrogated a series of Acts of Parliament, by which Prelacy was fully and distinctly settled as the Established Church of Scotland, for a period of above thirty years preceding, under which the greater number of the Clergy in that Assembly had received ordination and benefices, and in which the lay members had acquiesced without any visible opposition.\* In addition to the assumption of civil authority, in practically repealing Acts of Parliament, the Assembly sustained Complaints against the Prelates and others, at the instance of miscellaneous and self-constituted public prosecutors—a practice never recognised as competent in the law of Scotland at any period.† It deposed the Prelates, not solely for erroneous doctrine or immoralities, which was quite competent to the spiritual jurisdiction of the Assembly, but chiefly because they held offices conferred on them under the existing law of the country. It superseded the uniform and settled law, both of the Church and State, from the time of the Reformation, on the point of ecclesiastical presentations to benefices, and transported

\* Although Lowdown and Johnston, as we have seen (*vide* their Speeches, Report, p. 167), attempted to explain away the effect of the several Acts of Parliament to which we refer, yet it is due to the truth of history to say, that there is no mistaking the tenor and effect of those Acts. By the 1st Act of King James VI., 18th Parliament (9th July, 1606), the power and prerogative of the King are declared "over all estates, persons, and causes whatsoever, within the said Kingdom." And by the very next Act (2d), he is declared to be "Sovereigne Monarch, absolute Prince, Judge, and Governour over all persons, estates, and causes, both *spiritual* and *temporall*;" and, further, the previous Acts by which Bishops had been ousted or denuded of their titles, privileges, and benefices, are rescinded, and the order "restored and reintegrated," to all intents and purposes. Again, in 1612 (23d Oct.), there is another Act, ratifying the ecclesiastical arrangements made by the packed and bribed Assembly at Glasgow in 1610, which were out-and-out Episcopalian. Furthermore, there was an Act, 28th June 1617, anent the election of Archbishops and Bishops; and, finally, on the 4th of August 1621, there was another Act of Parliament ratifying the 5 Articles of Perth, adopted by another packed Assembly in August 1618. All these statutes, and the surreptitious and corrupt Acts of Assemblies which they ratified, were doubtless infamous encroachments on the liberties of the subject and the legitimate laws of the Church; but still they were the law of the land, emanating from the supreme authority of Parliament, and which Parliament alone could rescind. Johnston (the Clerk of Assembly) said—"I know certainlie that this office of Bishop was never established by any Act of Parliament in Scotland;" and Lowdown averred that "the Act 1612 does not ratifie that which is concludit in Glasgow Assembly which now is condemned; that ground being taken away, the ratification also falls." Johnston's statement is contradicted by the statute-book; Lowdown's statement and his inference are equally contradicted, and inconsistent with themselves; for, if the Act 1612 had not ratified the Acts of the Assembly 1610, how could the condemnation of these by the Assembly 1638, infer that the *ratification* thereby fell? There is reason to apprehend, that the Assembly of 1638 was mystified by such statements—the Acts of Parliament and Assembly not being then, as now, accessible to the community generally—and hence we may ascribe some of the stretches of ecclesiastical authority at that Assembly, to malinformation as well as to passion.

† Erskine's Institutes, B. 4, tit. 1, § 17.



ministers from place to place, regardless of the rights of patrons and the wishes of incumbents. It imposed an absolute veto on the liberty of the press; and, above all, it issued an edict for coercing the whole people into an adoption of the Covenant or Confession, and, in obedience to its decrees, under the terrors of excommunication, (a penalty which, at that time, was tantamount to outlawry, confiscation of property, and proscription,) in each and all of these particulars deviating from the spiritual into the civil track of jurisprudence and legislation. Of this, indeed, that sagacious and gifted man, Henderson, the Moderator, was fully aware; for he says explicitly—"Neither can we thinke ourselves secure in peace and quyetness, *till civill auctoritie ratifie what is heir done by ecclesiasticall constitution.*"

One of the most unaccountable characteristics of the Reformation in this country, is the intolerance and coercive courses adopted by the Protestants, from their Popish predecessors, for compelling uniformity to the new doctrines and worship. This appears to be inconsistent, and indeed irreconcilable with the great first principle of the Reformation—the right of private judgment in matters of religion, and in interpreting the Scriptures according to the conclusions of that judgment. It was the assertion of this right which shook the Papal domination; and nothing contributed more largely to the overthrow of Popery in Scotland, than the civil persecutions which ushered in the dawn of the Reformation, and which excited the sympathy and indignation of the people; yet no sooner were our first Reformers disenthralled from that bloody yoke, than they resorted to similar methods of compelling assent to their principles, and obedience to the authority of the Kirk. From 1449, in the reign of James II., "cursing" or "excommunication" by the Church, both Catholic and Protestant, for non-conformity or other kindred offences, inferred imprisonment and forfeiture of property in the recusant; and the unhappy victim of ecclesiastical censure was doomed to exclusion from society and all its charities, to destitution, to imprisonment, to exile from his native country, and even to death. Self-preservation may, perhaps, have prompted this course at first, when the Reformers were struggling to secure that religious liberty which was the great object of their zeal; and "The Booke of the Universall Kirk" affords numberless examples of the eagerness betrayed for constraining, by civil penalties, all persons to *profess* the reformed doctrine, and submit themselves to ecclesiastical authority. During the space of 140 years after, the spirit of intolerance continued to govern every party that was dominant for the time, in the reigns of Mary, James VI., and his son Charles, and his grandsons Charles II. and James VII. The triumph of the Covenanters was not more distinguished than any other portion of the period referred to, for greater relaxation in this respect, than either the Popish or Episcopal Churches; and, during all the vicissitudes of their fortune, as already in some measure disclosed, and to

be further illustrated, we cannot find even a trace of any proposal to give freedom of conscience to others, even when they were waging war against Popery and Prelacy in the name of religious liberty. This strikes us as an anomaly in the moral history of our country, of which we have never seen any satisfactory solution; but the rigorous enforcement of the Covenant and submission to the Presbyterian Kirk, and the excommunications which were directed against the Prelates and others at the time to which our attention is more immediately directed, perhaps paved the way, in some degree, as a precedent, for the interdicts, intercommunings, and diversified persecutions, which have rendered the reigns of the two last monarchs of the Stuart dynasty, a byword and a reproach to the land in which these horrors were perpetrated. It was not till the year 1690 that the civil penalties on religious nonconformity were blotted from our statute-book, after the settlement of William and Mary on the throne of Britain.

Greatly as we admire the talents, the courage, and the piety of many individuals in the Assembly of 1638, we do not deem it necessary to canonize their errors, or to ascribe a sort of plenary inspiration to all their proceedings. That in their great objects, they were right, and that much good resulted from their stern and intrepid course, we most willingly admit; but (if we may be permitted to express any opinion of our own) we should say, that the true and only justification of some Acts, which were *ultra vires* of a church assembly, is, that in fact they were partly a political as well as an ecclesiastical body, *constrained, by the necessity of the case*, to resist and to resent the assumption of arbitrary power, which by its stretches had virtually broken up the fabric of society in Scotland, and reduced it nearly to its primary elements. The Covenanters had but too much reason to apprehend that their civil as well as their religious liberties were in the utmost jeopardy; and, therefore, it is by no means surprising if, in the tumult of emotions by which the nation was at that time convulsed, they in some points passed beyond the strict line of demarcation which separates the spiritual from the civil authorities in peaceful and well-ordered states—*Inter arma silent leges*.

Such was the position of the parties—the King and the Kingdom of Scotland—in the beginning of the year 1639, after the Assembly of 1638 had terminated its labours.

Immediately after the dissolution of the Assembly, the several Commissions which it had appointed proceeded to "purge out" all persons who, either by adherence to Prelacy, or for other causes, were obnoxious to the now ruling power; and Baillie informs us that "many ministers who remained obstinate in scandals were deposed at Edin<sup>r</sup>, St Andrews, Dundee, Irvine, and elsewhere."\* We learn, however, from the Acts of 1639 that these depositions were to be relaxed, (except in the case of gross faults,) upon submission to the new order

\* Baillie, vol. i., p. 150.



of things.\* The members of the late Assembly, according to its injunctions, had made known to their several parishes the nature of its proceedings; but at Aberdeen, where there was a stiff opposition to its authority, Dr Guild was deterred from doing so; and Luddie, the Commissioner from King's College, was summoned before the *Senatus Academicus*, and threatened with deprivation for having continued in the Assembly after it was dissolved by the Commissioner.†

But the attention of the Covenanters was called from such matters to others of more serious importance. Hamilton had, on the 17th of December preceding, put forth a full proclamation, containing his reasons for dissolving the Assembly. His health had suffered much from mental anxiety and the exertions which he had been called on to make; and it was not until the 28th of that month that he proceeded on his journey to London.‡ Previously to his final departure from Scotland, however, the chiefs of the Covenanters waited on him, to solicit his good offices at Court; but we are told that he replied to them—“You must not think to use your Kings now as you did formerly, when they were only Kings of rebels: the King has now *another* royal and warlike nation at his command, and you shall soon feel it to your cost.”§ Hamilton reached Whitehall on the 5th of January, when he found the King highly exasperated, and resolved, by force of arms, to subdue his obstreperous subjects, the Covenanters of Scotland.

The plan of operations designed for carrying this object into effect was, that an English army of 30,000 horse and foot, under the immediate command of Charles, should invade Scotland on the eastern borders—that Carlisle and Berwick should be strongly garrisoned—that 5000 men should be landed in the north, to co-operate with Huntly and his followers—that the Earl of Antrim should land in Argyleshire—that Strafford, with such forces as he could withdraw from Ireland, should enter the Clyde—that another fleet should enter the Forth, and scour the eastern coast—and thus, by a simultaneous attack on all sides, distract and overwhelm the Covenanters. And had this well-devised plan of operations been fully and promptly carried into effect, there can be but little doubt that it would have been attended with at least temporary success.

The King, though hampered by increasing discontents among his English subjects, and weakened by many errors in policy, both foreign and domestic, roused “the might of England.” He had effected a saving of £200,000 in his Exchequer; he obtained loans from the Episcopal Clergy of England, and from the Papists by means of the Queen and the priests; he had ample stores of arms, and a formidable train of artillery; and he summoned the English nobility to assemble, with their followers, at York, on the 1st of April.||

Of these designs on the part of the King, the Covenanters did not long remain ignorant; and, indeed, they had anticipated them so far that they had previously procured arms and munitions secretly from the Continent, and had secured the services of Alexander Lesly, and other veteran soldiers, trained to war in the army of the celebrated Gustavus Adolphus, King of Sweden. The King's summons to the English nobility was promulgated on the 26th of January, and the ground on which it proceeded was a statement that the Scotch intended to invade England. Even before this public document appeared, the Covenanters were made aware of the King's hostile intentions, from the circumstance of all Scotchmen at Court being required upon oath to renounce the Assembly, and to promise assistance when required against the Covenanters. Being anxious to propitiate the good opinion of the English people, and thereby to weaken the King's hands, they had circulated extensively “a printed sheet or two” of information to the people of England, “for vindicating their intentions and actions from the unjust calumnies of their enemies.” It was dated 4th February, and, on the 27th of that month, Charles issued “A proclamation and declaration to inform the kingdom of England of the seditious practices of some in Scotland, seeking to overthrow his regal power under the false pretence of religion.”\*

The deputies of the Covenanters, who assembled in Edinburgh about the middle of February, resolved to make a reply to this proclamation, which was drawn up by Henderson, and entitled, “The Remonstrance of the Nobility, Barons, Burgesses, Ministers, and Commons, within the Kingdom of Scotland, vindicating them and their proceedings from the crimes wherewith they are charged by the late proclamation in England,” &c. “These three or four most dainty sheets of paper of Mr Henderson,” says Baillie, “made such an impression, that we, over all England, began to be much more pitied than before, and our enraged party, [antagonists,] the Bishops, to be more detested.” These, and various other tracts by Henderson, Baillie, and others, on the “lawfulness of our defence in arms,”† and which were distributed extensively through England by pedlers and otherwise, had a powerful moral influence in that kingdom; in which, besides, there was a growing discontent, occasioned by the King's arbitrary disuse of Parliaments, and other grievances peculiar to themselves.

“When we had done diligence,” says Baillie, “to inform our neighbours of England, and make sure the courage of all our friends at home, in the third place we took course for a real opposition to our enemies.” On the 7th of March, a full meeting of the deputies and leaders of the Covenant was held, at which, resolving not to depend on any foreign auxiliaries, a general committee of the nobles, barons, and burgesses, and two senators of the

\* Acts, 19 and 20, 1639.

† Row, p. 340.

‡ Burnet, p. 111.

§ Mem. Ch. of Scot., p. 188. Stevenson, p. 679.

|| Burnet, p. 113; and Letter.

\* Baillie, vol. i., p. 151. Rushworth's Coll., vol. ii. p. 830.

† Baillie, vol. i., p. 152.



College of Justice, being twenty-six in number, was appointed, (thirteen being a quorum,) to give out orders, receive intelligence, levy troops, raise money, &c. ; and, exercising all the functions of a supreme, legislative, and executive body, this "Committee of Estates" issued an edict that every fourth man should be armed and trained : local committees of war were appointed, and a complete plan of military organization was established in every burgh and county in Scotland ; and we have Bishop Burnet's authority for stating, that "these committees found small resistance, and no difficulty, of levying men—greater numbers being offered than could be either armed or maintained."\* Thus, the chimera of royal and indefeasible prerogative was reduced in Scotland to a nonentity ; and the nice metaphysical problem of the lawfulness of resistance by subjects, was practically solved by the entire Kingdom appearing in arms, to resist the undefined and unlimited claims of the first Charles Stuart, to absolute power over all estates in the realm, when about to be enforced by foreign invasion.

While these transactions were in progress, the Court of Session, it appears, had remonstrated strongly with their Sovereign against his belligerent purposes. Their earlier communications on the subject appear to have been intercepted, probably by the incendiary courtiers ; but, in the month of March, their Lordships sent another remonstrance to his Majesty by the Lord Justice-Clerk, which we have not observed in any of the common histories or printed collections, and which we, therefore, subjoin among the documents hereto appended, being a piece of evidence entitled to great weight, as emanating from the supreme civil judicatory of Scotland.†

Their Lordships state that, "when your Majestie was pleased to indict a General Assembly, we, and most parte of all your good subjects of this kingdome, wer overjoyed, in expeetation that the doubts in religious worship and kirk government, quhillk was tossed to and fro this whyle bygone, should have then beine cleerlie settled ; and altho' the greater part of your people be weill pleased with the constitutions therein concluded, yet your Majesties displeasure against that Assembly, and the proceedings thereof, and your expresse dislike of those who adheres to the same, and the fearfull consequences therefra like to ensue, hes turned all the hopes of comfort which we expected, in sorrowes and teares."—"Your Majestie may be pleased to pardon us to avere, that in this, they are but badd counsellours, and no better patriots, who will advis your Majestie to adde oyle and fewall to the fire." And among their "Instructions," (advices,) their Lordships inform his Majesty, "that, if our neighbour nation doe invaid this countrie, it will assuredlie be taken be all Scotsmen, albeit not affected the present way, for a national quarrel ; and all will strive as one man, to defend themselves, as for their lives, estates, and liberties of the countrie." This

salutary advice, however, was slighted by King Charles.

We shall not pause to notice all the deliberations and preparations on either side which ensued, but hasten on to the main points of our narrative.

On the 21st of March, Leslie, and other officers, commanding about 1000 men, took Edinburgh Castle—having forced the outer gate—securing twenty-five field-pieces, and other munitions. The day following, Rothies, Lowdown, Home, and Lothian, with a similar force, invested Dalkeith House, which was surrendered, without resistance, by Traquair, the keeper : and they seized the Regalia of Scotland, forty-eight barrels of gunpowder, twenty-four of balls, and six cart-loads of muskets, which they deposited in Edinburgh Castle. On the 23d of March, (being a Sunday,) Dumbarton Castle was secured by a stratagem ; and, besides these chief forts, (Stirling was in the hands of Mar, one of their own party,) Strathaven Castle and Douglas Castle, in Lanarkshire, and Tantallan Castle, in East Lothian, Dairsy, in Fife,\* and Broderick Castle, in Arran were seized ; the only enterprise of this kind which failed, being in the case of Karlaverock Castle, in the south, which it would have been hazardous to attack, and difficult to maintain. Dumfries, however, was taken possession of by a body of Covenanters.

In the north, the Earl of Montrose, with a well-appointed force, of seven or eight thousand men, ("the most were brave, resolute, and well-armed gentlemen,") levied in Angus and Mearns, moved to Aberdeen, appalled Huntly and his adherents, who fled ; and Montrose took possession of Aberdeen, where he levied contributions, though very generously. There was a subsequent rallying of the Royalists, headed by Aboyne, Huntly's son, and Ogilvy of Banff, who gained some petty advantages ; but they were worsted in a skirmish at Turreff ; and Montrose kept all the north country in awe and subjection—Huntly being seized and conveyed to Edinburgh Castle, as the only security his opponents could get for his neutrality. In the Western Highlands, Argyle was on the alert, with a sufficient force. The enthusiasm was so high, that nobility, gentry, ladies, and persons of all ranks, joined in the humblest labours for self-defence. "Leith fortifications went on speedily—above 1000 hands daily employed ; plat up towards the sea, sundry perfect and strong bastions, well garnished, with a number of double cannon, that we feared not much any lauding of ships on that quarter. The towns of Fife, all along the shore, made up such sconces and fosses, and planted such a number of ship-cannon upon batteries, that they were all in the case of a tolerable defence. Thus, in a short time, by Gods extraordinary help, we cut the main sinews of our adversaries hopes ; all the strength of our land came in our hands ; no man among us but those who swore they were stout

\* Burnet, p. 115.

† Vide "Documents."

\* Balfour, vol. ii., p. 221-3. Baillie, vol. i., p. 158-9.



friends. All otherwise disposed, both Noblemen, Gentlemen, and Ministers, were got away to our professed enemies, and the whole country put in such an order and magnanimity, that we found sensibly in every thing, the hand of God going before us; so all fear of human force was clean banished away.”\*

Such were the energetic and successful movements, which, in the course of a few days, put the Covenanters in possession of all the strongholds of Scotland, and inspired them with assured confidence. Let us now turn to the preparations of King Charles for his enterprise against them.

About the middle of March, the King published a declaration of the reasons for his expedition against Scotland, and soon after issued the “Large Declaration,” or Manifesto, containing a more minute statement of the grounds of his projected invasion. The latter of these, as has been already noticed, was written by Balcanquel, Dean of Durham; and, although we have had occasion to select public documents from it, which could not be materially falsified, it is to be regarded merely as a varnished and partial statement on behalf of the King’s policy, on which no reliance can be placed, except when his testimony operates against the cause which he advocated. His Majesty thereafter took his departure from London, on the 27th of March, and, on the 1st of April, arrived at York, where he remained till the beginning of May, when he moved on to Newcastle-upon-Tyne. He marched thence to Berwick-upon-Tweed, in the vicinity of which he arrived about the beginning of the month, and continued there till the negotiations and treaty, betwixt him and the Covenanters, put a stop to the impending hostilities, on the 18th of June following.

The movements of the two armies, however, during that interval, form too prominent a picture of the times to be passed over without a brief notice—referring to the Royal Letters, and other documents of the day, which will be found annexed, as embodying the most authentic accounts, not merely of what was visible to the common eye, but of what was passing behind the scenes, in the secret councils of the antagonist courts and camps.

Charles, with a well-appointed army, which had preceded and accompanied him from London to York, was there joined by the English nobility; and, from the splendour of the national chivalry who there joined his standard, the march, from thence to Berwick, of betwixt 20,000 and 30,000 infantry, cavalry, and artillery, is described as resembling a military triumph. The English host was under the nominal command of the Earls of Arundel and Essex, but having its monarch and his standard in the midst. It finally encamped at the Birks, a few miles above Berwick, on the southern bank of the Tweed. The long inaction, however, which ensued—the peculiar nature of the service, in which the sympathies of the officers, as well as of the common soldiers, were,

to a great extent, with the Scotch—and the unpopularity of Charles’ Government in England, created by his arbitrary dissolutions and discontinuance of Parliaments, paralysed the energies of this showy army; and Charles ere long discovered symptoms that there was peril in relying on a force the military prowess of which was unnerved by these inherent moral affections.

During the progress of this prolonged and hesitating advance towards the boundary which divided the kingdoms, the Marquis of Hamilton, who had remained in London at the King’s departure, to superintend the outfit of the naval expedition, had only reached Yarmouth Roads on the 15th of April, and being there detained by adverse winds, it was not till the 29th of that month that he reached Holy Island with his squadron, on board of which there were about 5000 raw levies, so inefficient that the greater part of them, including even the non-commissioned officers, did not even know how to fire a musket. On the 1st of May, he entered the Frith of Forth; and his squadron, consisting of about twenty vessels, cast anchor in Leith Roads.

The Covenanters were not unprepared for the threatened invasion. Whenever the fleet appeared in the offing, the beacon fires blazed along the summits of the mountains, awakening the land to a sense of its dangers and its duties. From all quarters, the stout peasantry and burgesses of Scotland followed, with ardour, the Nobles and gentry, and veteran officers, as their “Crowners” and commanders, to the point of danger; and, ere Hamilton could refresh his sickly troops, by landing them on Inchkeith and Inchcolm, or issue the King’s proclamations, the shores of the Forth, on both sides of his fleet, gleamed with twenty thousand Scottish spears and broadswords—the well-known symbols of ancient renown and national victory—and stood, “a wall of fire,” in defence of their native land, against what every man deemed an invasion by a foreign foe. Whatever we may now think of the circumstances of a political nature which led to this unhappy difference betwixt the King and his Scottish subjects, and however clearly we may trace, as it appears to us, through the backward vista of two hundred years, the errors and the failings of our fathers—there is not a true Scotchman, of these times, or in any future generations, who can look back on the records of such a scene, without a throb of pride and of patriotism swelling in his heart, that he is descended of a race who thus gathered themselves around the altar of their country and their God, in the hour of peril—in defence of what they deemed the highest and the holiest privileges of their fathers, of themselves, and of their children.

This splendid demonstration of national spirit and power, seems to have warned Hamilton that his purposes of attack were effectually frustrated, even if he was not paralyzed by the feelings inseparable from a generous nature in such a position. He lingered on in a fruitless series of negotiations with

\* Baillie, vol. i., p. 160.



the leaders of the Covenanters, (of which the particulars are too minute for recapitulation here)—his strength frittered away by detaching a portion of his troops, and by the ravages of disease; and he continued in a state of listless distraction and impotence for many weeks, neither attempting anything hostile, nor receiving any aggression from his sagacious antagonists, until he was recalled by his royal master to headquarters, in the camp near Berwick.

It will be recollected that, by the proclamations of 9th and 22d September 1638, the General Assembly was indicted for the 21st of November that year, and the Scottish Parliament to meet on the 15th of May following.\* The time had now arrived for the assembling of Parliament, to which, in compliance with the proclamation, the Nobles, Barons, and others liable or entitled to serve in the Supreme Legislature convened at Edinburgh, while public affairs were in the attitude of which we have thus given a brief outline—the King's Commissioner on board a naval armament in Leith Roads, for the subjection of Scotland by force, and the nation mustered in arms to resist him; the Sovereign himself being at the head of a foreign army, (for, as regarded Scotland then, it was a foreign army,) on the eve of invading her territories, and issuing proclamations against the whole nation, as guilty of treason and rebellion. It was under these extraordinary circumstances that Parliament assembled on the 15th of June 1639; and it is necessary to advert to the proceedings which the Estates, thus convoked by royal authority, adopted.

It was surmised by the royalist partisans that the Covenanters would hold a Parliament according to the indictment, and proceed, without either the King or a Commissioner being present, and establish some form of government, more or less anti-monarchical; in this, however, they were mistaken. When his Majesty sent orders to prorogue the Parliament, all agreed that it should be prorogued, after being fenced, to any period his Majesty thought fit; and it was prorogued accordingly, and by subsequent adjournment, till September following. Before separating, however, the Members concurred in granting a very ample commission to General Leslie, as Commander-in-Chief, and appointed Balmerino Governor of Edinburgh Castle. Meanwhile, the Covenanting chiefs omitted no opportunity of appealing to the justice and patriotism of the King, by supplications to himself, and communications to others whom they thought likely to have influence in his councils.

We now turn our attention to that quarter where it appeared probable the main battle would be fought, had not the consciousness of danger in the battle-field, and a sinister and double policy, induced the King to listen to the proposals of peace from his subjects; and it is one of the most honourable traits in the character of the Covenanters, that,

however mistaken they might be in some of their views and actions, they ever manifested a desire to avoid the calamities of war, and ever cherished feelings of loyalty to the King, and of submission to his constitutional authority.

As the plans of the King began to be developed by his own march to the Eastern Border, and Hamilton's expedition to the Forth, the Covenanters concentrated their forces to meet the threatened invasion at all points. On the 18th of May, peremptory orders were given by the Committee of War for general and energetic exertions. The forces which had been organized and disciplined on the Western Borders, under Monro, advanced from Dumfries through Nithsdale, Annandale, Liddisdale, and Teviotdale, towards the Merse, and took up cantonments at Kelso; while the main army (after leaving sufficient force to keep Hamilton in check) marched toward the royal camp, under the command of Alexander Leslie as *Generalissimo*, and pitched their tents in an entrenched camp at Dunglas, on the confines of East Lothian and Berwickshire—each body being so placed as to interpose an opposing force if the King's army should attempt to enter Scotland through Berwick or further up the Tweed—and so posted that either portion of the army could presently coalesce with the other at any point of attack by the English. While the opposing armies were thus situated, the King was busied in issuing proclamations, one of which was more mild in its tone than those which preceded it, offering amnesty to all who should relinquish hostilities, but denouncing all who should not do so, and holding out an insidious temptation to the tenantry of Scotland that the estates of their landlords would be forfeited and partitioned among them, but withal forbidding them to come within ten miles of the royal camp, &c. Early in June these proclamations were published along the Border—at Dunse by Arundel, having an armed force along with him, without opposition; but not so at Kelso. Holland was dispatched, on the 3d of June, with 1000 horse and 3000 foot, to Kelso, professedly for a similar purpose, but evidently with the view of attacking and dispersing Monro's corps of the Covenanters. He "advanced towards them with the horse (leaving the foot three miles behind) to a place called Maxwell-heugh, a height above Kelso; which, when the rebels discovered, they instantly marched out with 150 horse, and (as my Lord Holland says) eight or ten thousand foot—five or six thousand there might have been. He thereupon sent a trumpet, commanding them to retreat, according to what they had promised by the proclamation. They asked whose trumpet he was: he said—my Lord Holland's. Their answer was—he was best to be gone; and so my Lord Holland made his retreat, and waited on his Majesty this night, to give him this account."\* We learn, from the same authority, that this untoward result operated

\* See p. 81 and 83.

\* Vane's Letter, 4th June. Burnet, p. 139.



strongly on the royal mind. "This morning," says Vane, in his Letter, "advertisement is brought his Majesty that Lesley, with 12,000 men, is at Cockburnspath—that 5000 will be this night or tomorrow at Dunee—6000 at Kelso; so his Majesty's opinion is, with many of his Council, to keep himself upon a defensive, and make himself here as fast as he can." He therefore instructed Hamilton not to act on the offensive, but to leave his fleet in the Forth in as good a posture as he could, and go in person to the royal camp.

Baillie gives an account of this same affair, varying but little from Lord Holland's. After stating that the Scotch troops willingly stood at the required distance from the King's encampment, in order to shew that they did not meditate any invasion of England, and mentioning the proclamation at Dunse, he adds:—"The like was intended at Kelso; but there Monro, Fleming, and Erskine, presenting themselves in battle array, made Holland, with some thousand foot and horse, with their show alone, to retire in haste in a shameful disorder. It is thought Holland's commission was to cut off all he met in opposition to him; but his soldiers that day was a great deal more nimble in their legs than arms, except their cavilliers, whose right arms were no less weary in whipping, than their heels in jading their horses. We were informed that, to repair that disgrace, Holland was commanded to return with far more forces to execute his former commission; whereupon our General raises his camp from Dunglass, advertises his troops at Kelso to march towards him. Both of them met together that night at Dunse, and there they sat down on the head of their fair Law."\* He continues—"This our march did much affray the English camp. Dunse Law was in their sight within six or seven miles; for they lay in pavilions some two miles above Berwick, on the other side of the Tweed, in a fair plain along the river. The King himself, beholding us through a prospect, conjectured us to be about 16,000 or 18,000 men. We were, indeed, above twelve; but at once we were above twenty-four. We might have doubled that number, but we had none there from the one full half of Scotland—not a man beyond Tay—few from Lothian, Fife, Edinburgh, the Merse; for they were waiting on the ships or employed in carriages; the south behoved to observe the border about Carlisle; and the west, the Irish shore; albeit that was needless."

Baillie states the English army at that time to have been only about 16,000, "and these not of the stoutest." "One night," says he, "a false alarm being in our camp, when our drums began to beat, and our matches on the hill to shine through the darkness, there arose such a fray in the English camp, that very many betook them to their heels, expecting from us a present invasion; yea, had not our wise and valorous Prince, with his General

Arundel, done diligence to encourage and to find out the grundless vanity of the fray, there had been a greater flight than with honour could have been gotten stayed."

Although anxious to compress, as much as possible, these illustrative historical details, we cannot resist gratifying ourselves, and, we trust, our readers, by giving Baillie's most graphical, though quaint, description of the Scottish camp on Dunse Law. It affords a more lively impression of the character, the manners, and the spirit of those times, than any modern description could possibly convey; and as this was, perhaps, the last great national demonstration of "Scotland's might and Scotland's right" which her annals afford, we must be forgiven for recording it in these pages, in connection with the history of the Presbyterian Church.

"It would have done you good," says the reverend patriot, "to have cast your eyes athort our brave and rich hills, as oft as I did, with greater contentment and joy; for I was there among the rest, being chosen preacher by the gentlemen of our shire, who came late with Lord Eglinton. I furnished to half a dozen of good fellows, muskets and pikes, and to my boy a broad sword. I carried myself, as the fashion was, a sword, and a couple of Dutch pistols at my saddle; but I promise, for the offence of no man except a robber in the way; for it was our part alone to pray and preach for the encouragement of our countrymen, which I did to my power most cheerfully.

"Our hill was garnished on the top, towards the south and east, with our mounted cannon, well near to the number of forty, great and small. Our regiment lay on the sides of the hill, almost round about. The place was not ample in circle; a pretty round, rising in a declivity, without steepness, to the height of a bow-shot; on the top somewhat plain; about a quarter of a mile in length, and as much in breadth, as I remember, capable of tents for 40,000 men. The Crowners lay in canvas lodges, high and wide; their captains about them in lesser ones; the soldiers about, all in huts of timber, covered with divot or straw. Our Crowners for the most part were noblemen; Rothes, Lindsay, Sinclair, had among them two full regiments at least from Fife; Balearras a horse-troop; Loudon, Montgomery, Erskine, Boyd, Fleming, Kireudbright, Dalhousie, Yester, Eglinton, Cassils, and others, either with a whole or half regiments. Montrose's regiment was above 1500 men in the castle of Edinburgh: himself was expected; but what detained him ye shall hear at once.

"Argyle was sent for to the treaty of peace; for without him none would mint to treat. He came, and set up his tent in the hill; but few of his people with him. It was thought meet that he and his should lie about Stirling, in the heart of the country, to be always ready in subsidies for unexpected accidents; to be a terror to our neutralists or but masked friends; to make all, without din, march forward, lest his uncauny trewsmen should

\* Baillie, vol. i., p. 173.



light on to call them up in their rear; always to have an eye what either the north, or the shires, or the west, or our stail host should mister of help. It was thought the country of England was more afraid of the barbarity of his Highlanders, than of any other terror. Those of the English that came to visit our camp, did gaze much with admiration upon these supple fellows, with their plaids, targes, and dirlachs. There were some compauies of them under Captain Buchanan, and others in Erskine's regiment; our captains, for the most part barons or gentlemen of good note; our lieutenants, most of old soldiers, who had served over sea in good charges. Every company had, fleeing at the captain's tent-door, a brave new colour, stamped with the Scottish arms, and this motto, 'FOR CHRIST'S CROWN AND COVENANT,' in golden letters.

"Our General had a brave royal teut; but it was not set up. His constant guard was some hundreds of our lawyers, musquetiers, under Durie and Hope's command, all the good way standing in arms, with locked matches, before his high gate, well apparelled. He lay at the foot of the hill, with Baillie his sergeant-major or lieutenant-general. That place was destined for Almond, in whose wisdom and valour we had but too much confidence; yet in the time of our most need, the greatness of his gravel, or the pretence of it, made him go to France to be cut. Always, when he came there, it was found he needed no incision, so he passed to his charge in Holland, where to us he was as dead in all our dangers.

"The councils of war were kept daily in the castle; the ecclesiastick meetings in Rothes's large tent. The General, with Baillie, came nightly for the setting of the watch on their horses. Our soldiers were all lusty and full of courage; the most of them, stout young plowmen; great chearfulness in the face of all: the only difficulty was, to get them dollars or two the man, for that voyage from home, and the time they entered in pay; for among our yeoman, money at any time, let be then, uses to be very searee; but once having entered on the common pay, their sixpence a-day, they were galliard. None of our gentlemen were any thing worse of lying some weeks together in their cloaks and boots on the ground, or standing all night in arms in the greatest storm. Whiles, through storm of weather, and neglect of the commissaries, our bread would be too long a-coming, which made some of the eastland soldiers half-mutiny; but at once, order being taken for our victuals at Edinburgh, East Lothian, and the country about us, we were answered better than we could have been at home. Our meanest soldiers were always served in wheat-bread, and a groat would have gotten them a lamb-leg, which was a dainty world to the most of them. There had been an extraordinary crop in that country the former year, beside abundance that was stolen away to the English camp for great prices. We would have feared no inlack for little money for some months to come. Merse and Te-

viotdale are the best mixt and most plentiful shires, both for grass and corn, for flesh and bread, in all our land. We were much obliged to the town of Edinburgh for money. Mr Harry Pollock, by his sermons, moved them to shake out their purses; the garnerers of non-covenanters, especially of James Maxwell and Lord Winton, gave us plenty of wheat. One of our ordinances was, to seize on the rents of non-covenanters; for we thought it but reasonable, since they sided with these who put our lives and our lands for ever to sale, for the defence of our church and country, to employ for that cause, wherein their interest was as great as ours if they would be Scotsmen, a part of their rent for one year; but, for all that, few of them did incur any loss by that our decree, for the peace prevented the execution.

"Our soldiers grew in experience of arms, in courage, in favour daily. Every one encouraged another. The sight of the nobles, and their beloved pastors, daily raised their hearts. The good sermons and prayers, morning and evening, under the roof of heaven, to which their drums did call them for bells; the remonstrances very frequent, of the goodness of their cause; of their conduct hitherto, by a hand clearlie divine; also Lesly's skill, and prudence, and fortune, made them as resolute for battle as could be wished. We were feared that emulation among our nobles might have done harm, when they should be met in the field; but such was the wisdom and authority of that old, little, crooked soldier, that all, with an incredible submission, from the beginning to the end, gave over themselves to be guided by him, as if he had been great Solymán. Certainly the obedience of our noblemen to that man's advice was as great as their forebeers wont to be to their King's commands: yet that was the man's understanding of our Scots humours, that gave out, not only to the nobles, but to very mean gentlemen, his directions in a very homely and simple form, as if they had been but the advices of their neighbour and companion: for, as he rightly observed, a difference would be used in commanding soldiers of fortune, and of soldiers volunteers, of which kind the most part of our camp did stand. He kept daily in the castle of Dunse an honourable table for the nobles and strangers with himself; for gentlemen-waiters thereafter, at a long side-table. I had the honour, by accident, one day to be his chaplain at table, on his left hand. The fare was as became a General in time of war: not so curious by far as Arundel's to our nobles; but ye know that the English fare sumptuously, both in war and peace."

"It seems our General's table was on his own charge; for, so far as yet I know, neither he, nor any noble or gentleman of considerable rent, got any thing for their charge. Well I know, that Englington our Crowner entertained all the gentlemen of note that were with him, at his own table, all the time of our abode; and his son, Montgomery, kept with him very oft the chief officers of his regiments: for this was a voyage wherein we were glad to bestow our lives, let be our estates.



“Had you lent your ear in the morning, or especially at even, and heard in the tents of some, the sound of singing psalms, some praying, and some reading scripture, ye would have been refreshed. True, there was swearing, and cursing, and brawling, in some quarters, whereat we were grieved; but we hoped, if our camp had been a little settled, to have gotten some way for these misorders; for all of any fashion did regret, and all promised to do their best endeavours for helping all abuses. For myself, I never found my mind in better temper than it was all that time since I came from home, till my head was again homeward; for I was as a man who had taken my leave from the world, and was resolved to die in that service, without return. I found the favour of God shining upon me, and a sweet, meek, humble, yet strong and vehement spirit leading me all along; but I was no sooner on my way westward, after the conclusion of the peace, than my old security returned.

“It was not our General’s intention to sit long at Dunse; only till our army had grown to a considerable number: he thought meet to lie on that strength which was in the midst betwixt the two ways to Edinburgh, that if the English had moved either towards Haddington or Soutra, he might have been on their backs; for we knew not then well either of the estate or designs of the enemy: but after we were above 20,000 men, he gave out not obscurely his purpose to approach the English camp. Their fear of this, made them cast up some trenches on our side of Tweed, and work at them both on Sunday and Saturday. They had no will we should come so near them; therefore occasion was sought with all diligence of the treaty. The way of the procedure was this: Robin Lesly, one of the old pages, being come over to Dunse Castle, made, as it were of his own head, an overture, that we would be pleased yet to supplicate, or else the English forces did so multiply, that at once we would be overflowed with them. Our fear daily diminished of their violence; we knew at once the great advantages we had of the King: yet such was our tenderness to his honour, that with our hearts we were ever willing to supplicate his offcoming; yea, had we been ten times victorious in set battles, it was our conclusion to have laid down our army at his feet, and on our knees presented nought but our first supplications. We had no other end of our wars; we sought no crowns; we aimed at no lands and honours as our party; we desired but to keep our own in the service of our Prince, as our ancestors had done; we loved no new masters. Had our throne been void, and our voices sought for the filling of Fergus’s chair, we would have died ere any other had sat down on that fatal marble but Charles alone.”

While the two armies were in the position thus described by an eye-witness—the Royal army, on the one hand, weak, wavering, and almost panic-struck, the Royal coffers nearly exhausted, and the spirit of the English troops and followers sunk to the most abject state; the Scotch, on the other

hand, outnumbering their adversary, bold, eager for the fight, and full of high enthusiasm and confidence in superhuman support, yet with limited means for a protracted campaign, and anxious to avoid acts of deadly hostility against their native King—overtures for pacification were made; and in a very short space agreed to. In consequence of the hints given by Robert Leslie, which the Scotch leaders interpreted as an indication of his Master’s wishes, the Earl of Dunfermling was despatched to the Royal camp (on the 7th or 8th of June) with a short Supplication to his Majesty, and Letters to the English Council; and this mission terminated on the 18th of June, after various conferences and negotiations, in a Declaration by the King, and Articles of Pacification, signed by the Commissioners on both sides, which, for a season, put an end to the further progress of hostilities.

It would swell these notes beyond the compass that is suitable to this work, were we to give even a meagre abstract of the substance of the proposals and objections which formed the subject-matter of these negotiations; but we deem the whole correspondence, proclamations, and negotiations which took place during the period which intervened betwixt the Assembly of 1638 and that of 1639, to be of so much importance to the full understanding of the history of those times, that, as formerly, we intend to supply our readers with all these documents themselves. This is the more requisite, as they are nowhere to be found entire, and without mutilation or the suppression of many of them, in any single history or collection relative to those transactions; and, indeed, a number of the most curious and valuable—as unveiling the secret history of Charles’ policy and his motives—were not disclosed to the world for more than thirty years afterwards, when Burnet, after the restoration of Charles II., published his *Memoirs of the Duke of Hamilton*, in which these are embodied. Referring to these documents, therefore, as containing the only true history of the period referred to, (that has fallen under our observation,) and leaving every one to draw his own inferences from these muniments, we shall here only state the leading features of the Treaty, in so far as that is necessary to explain the circumstances in which the General Assembly of 1639 convened.

By his Royal Declaration, of date the 18th of June 1639, his Majesty, referring to the various supplications, &c. of his Scotch subjects, was “pleased to declare and assure that, according to the Petitioners’ humble desires, all matters ecclesiastical shall be determined by an Assembly of the Kirk, and matters civil in the Parliament, and other inferior judicatories established by law; and Assemblies, accordingly, shall be kept once a year, or as shall be agreed upon at the next General Assembly.

“And for settling the general distractions of that our antient Kingdom, our will and pleasure is, that a Free General Assembly be kept at Edin’ the 6th day of August next ensuing, where we intend (God



willing) to be personally present, and for the legal indiction thereof, we have given orders and command to our Council; and thereafter a Parliament to be holden at Edinburgh the 20<sup>th</sup> day of August next ensuing, for ratifying of what shall be concluded in the said Assembly," &c.\*

To this declaration seven articles were annexed, the chief of which were—the immediate disbanding of the forces of Scotland—the surrendering to the King all the castles, forts, regalia, &c.—all fortifications; and meetings not sanctioned by Act of Parliament, to be desisted from: and, on the other part, his Majesty to withdraw all his ships, &c. on delivery of the fortresses.

On considering this Declaration and the Articles, the Scotch Commissioners, (viz., Rothes, Dunfermline, Lowdon, W. Douglas, Alexander Henderson, and Archibald Johnston,) on the part of the Covenanters, subscribed the following document, which completed the pacification:—

"In obedience to his Majestys Royal commands, we shall, upon Thursday next, the 20 of this June, dismiss our forces, and immediately thereafter deliver his Majesties Castles; and shall ever, in all things, carry ourselves like humble, loyal, and obedient subjects."

And thus, to the great joy and rejoicing of both armies, this pacification was consummated, without bloodshed; and the several hosts dispersed themselves and retired to their homes. The Covenanters, with perfect good faith, surrendered the fortresses, Regalia, and all that they had seized as sureties for their safety; but they were too well aware of the craft with which they had to cope, to omit all needful precautions against the perfidy of their adversaries. It was his necessity, and not his will, that induced the King really to yield (though his apologists call it concede) to the Scotch army, the terms recorded in his Declaration; and, reluctant as we are to think harshly of that misguided Monarch, or to anticipate the judgment which our readers may form, on examination of the evidence which we have gleaned, or to obtrude our own humble reflections on the occurrences which we record—we cannot stifle an expression of our full conviction, that, in entering into that treaty of pacification, Charles I. did it with a settled purpose to violate his faith as a man and a King; and that, with regard to it and its fulfilment, he was guided by principles the most jesuitical, dishonourable, and immoral. The documents which follow, contain the most conclusive proofs of a paltry, pettifogging dissimulation, such as is scarcely to be paralleled in the whole range of authentic history.†

\* Vide Documents.

† Bishop Burnet, in allusion to this treaty, remarks on it, (p. 143,) that "some made another observation, though of less moment, yet not *unpleasant*, upon Mr Henderson—that it was strange to see a Churchman, who had acted so vigorously against Bishops for their meddling in civil affairs, made a Commissioner for this treaty, and sign a paper so *purely civil*." In making this paltry observation, the courtly prelate seems to have overlooked what he had recorded not two pages before, that this was not a treaty "purely

But we leave this painful topic, and pass on to the incidents more immediately introductory to the meeting of Assembly.

In reference to this, one of the ticklish points connected with it was, that, in the negotiations, the King would not recognise the Assembly of the preceding year as a lawful Assembly, while the Scotch Commissioners would not relinquish its character of legality; and, therefore, it was understood, that, without assuming anything on that point, the Assembly of 1639 should proceed *de novo* to consider all affairs ecclesiastic. The policy of the King and his councillors—Hamilton, Traquair, and certainly Canterbury and the Scotch Prelates—was, if possible, to prevent a recognition of its lawfulness or its Acts, and to mould the proceedings of the next Assembly and Parliament so as to defeat the Presbyterian polity, and pave the way for the resumption of high regal prerogative, ("the Kingly way," as Hamilton termed it,) and the restoration of Episcopacy. It is necessary thus far to anticipate what will be found more fully developed in the King's Instructions and other documents, in order that the reader may be prepared, as he advances, to perceive the bearing of the proceedings which ensued.

The King, if ever he seriously purposed to attend the Assembly in person, speedily relinquished the idea; and, indeed, his personal attendance would have been very inconvenient, considering the crooked policy by which, at the time, he was guided. He might have felt very serious embarrassment in managing personally, the refined duplicity of his schemes; and having, as is fully proved, a purpose of putting his *veto* upon anything that might be concluded either in the Assembly or Parliament, which was not in entire accordance with his own notions, (and he could not reasonably expect that they should be so,) it was more expedient to act by a Commissioner—whose acts he might disavow and repudiate—than to compromise himself by a personal appearance and a collision with the Scottish Covenanters on their own ground. He wished Hamilton to be his Commissioner once more; but that nobleman was too wary, after his former experiences, to attempt it; and Traquair was selected for this important office. His Lordship waited on the King at Whitehall in the beginning of August; and, on the 6th, his Commission was signed, and he set out for Scotland.

Without farther prefatory explanation, therefore, we now proceed to give the Acts and proceedings of the Assembly which convened at Edinburgh on the 12th of August 1639, adhering to the same arrangement as in the former part of this work.

civil." Its first and leading condition related to religion, and pledged the King to call a free General Assembly, in which all ecclesiastical matters were to be settled, and afterwards to be ratified in Parliament. This was, in fact, the foundation and essence of the treaty; and it was fitting that the chosen representatives of the Church should be parties to so important a treaty. This was very different, indeed, from being a "Lord of Privy Council," or a "member of the High Commission."



## THE PRINCIPALL ACTS

OF THE GENERALL ASSEMBLY HOLDEN AT EDINBURGH,  
IN THE YEAR 1639.

Sess. VII. August 17, 1639.

*Master George Grahame his renouncing and abjuring of Episcopacie.*

The which day was given in to the Assembly, direct from Master George Grahame, sometimes pretended Bishop of Orknay, an abjuration of Episcopacie, subscribed with his hand, which was publicly read in audience of the Assembly; and thereafter they ordained the same to be registrat in the Assembly Books, *ad perpetuam rei memoriam*, whereof the tenor follows.

TO all and sundry whom it effeirs, to whose knowledge these presents shall come, specially to the reverend and honourable Members of the future Assembly to be holden at Edinburgh, the twelfth day of August 1639 years: Me, Master George Grahame, sometime pretended Bishop of Orknay, being sorry and grieved at my heart that I should ever, for any worldly respect, have embraced the order of Episcopacie, the same having no warrant from the Word of God, and being such an order as hath had sensibly many fearful and evill consequences in many parts of Christendome, and particularly within the Kirk of Scotland, as by dolful and deplorable experience this day is manifest, to have disclaimed, like as I, by the tenor hercof, doe altogether disclaime and abjure, all Episcopal power and jurisdiction, with the whole corruptions thereof, condemned by lawful Assemblies within the said Kirk of Scotland, in regard the same is such an order as is also abjured within the said Kirk, by vertue of that National Oath which was made in the years 1580 and 1581; promising and swearing by the great Name of the Lord our God, That I shall never, whiles I live, directly or indirectly, exercise any such power within the Kirk, neither yet shall I ever approve or allow the same, not so much as in my private or publike discourse: but, on the contrary, shall stand and adhere to all the Acts and Constitutions of the late Assembly holden at Glasgow, the 21 of Novemb. 1638 last by-past, and shall concurre, to the uttermost of my power, sincerely and faithfully, as occasion shall offer, in executing the said Acts, and in advancing the Work of Reformation within this land, to the glory of God, the peace of the Countrey, and the comfort and contentment of all good Christians, as God shall be my help. In testimony of the which premisses, I have subscribed thir presents with my hand at Brecknes in Stromness, the cleventh day of February, the year of God 1639 years, before thir witnesses, Master Walter Stuart, Minister at Southronnaldsay, Master James Heynd, Minister at Kirkwall, Master Robert Peirson, Minister at Firth, and Master Patrick Grahame, Minister at Holme, my Son.

Sess. VIII. 17 Aug. 1639.

*Act containing the Causes and Remedie of the by-gone Evils of this Kirk.*

THE Kings Majestie having graciously declared, That it is His Royal will and pleasure, that all

questions about Religion, and matters Ecclesiasticall, be determined by Assemblies of the Kirk; having also, by publike Proclamation, indicted this free national Assembly, for settling the present distraction of this Kirk, and for establishing a perfect peace against such divisions and disorders as have been sore displeasing to his Majestic, and grievous to all his good Subjects. And uow his Majesties Commissioner, John Earle of Traquair, instructed and authorized with a full Commission, being present and sitting in this Assembly, now fully convened, and orderly constitute in all the members thereof, according to the order of this Kirk, having, at large, declared His Majesties zeal to the reformed Religion, and His Royal care and tender affection to this Kirk, where His Majestic had both His Birth and Baptisme, His great displeasure at the manifold distractions and divisions of this Kirk and Kingdome, and His desires to have all our wounds perfectly cured, with a fair and fatherly hand: And, although in the way approven by this Kirk, tryal hath been taken in former Assemblies before from the Kirk registers, to our full satisfaction, yet the Commissioners Grace, making particular enquiry from the members of the Assembly, now solemnly couvened, concerning the real and true causes of so many and great evils as this time past had so sore troubled the peace of this Kirk and Kingdome, It was represented to His Majesties Commissioner by this Assembly, That, beside many other, the maine and most materiall causes were, First, The pressing of this Kirk, by the Prelates, with a Service Book, or Book of Common Prayer, without warrant or direction from the Kirk, and containing, beside the Popish frame thereof, diverse Popish errors and ceremonies, and the seeds of manifold grosse Superstitions and Idolatry, with a Book of Canons, without warrant or direction from the Generall Assembly, establishing tyrannical power over the Kirk, in the person of Bishops, and overthrowing the whole discipline and government of the Kirk by Assemblies, with a Book of Consecration and Ordination, without warrant of Authoritie, Civill or Ecclesiasticall, appointing offices in the house of God, which are not warranted by the word of God, and repugnant to the discipline and Acts of our Kirk, and with the High Commission, erected without the consent of the Kirk, subverting the jurisdiction and ordinary judicatories of this Kirk, and giving to persons meerely Ecclesiasticall, the power of both swords, and to persons meerly Civill, the power of the Keys and Kirk censures. A second cause was the Articles of Perth—viz., the observation of Festivall dayes, kneeling at the Communion, Confirmation, Administration of the Sacraments in private places, which are brought in by a null Assembly, and are contrary to the Confession of Faith, as it was meant and subscribed Anno 1580 and divers times since, and to the order and constitutions of this Kirk. Thirdly, the changing of the government of the Kirk, from the Assemblies of the Kirk, to the persons of some Kirk-men, usurping prioritie and power over their Brethren, by the way, and under the name of Episcopall government against the Confession of Faith, 1580, against the order set down in the Book of Policy, and against the intencion & constitution of this Kirk from the beginning. Fourthly, the Civill places and power of Kirkmen, their sitting in Session, Councell, and Exchequer; their Riding, Sitting, and Voiting in Parliament, and their sitting in the Bench as Justices of peace, which, according to the constitutions of this Kirk, are incompatible with their spiritual function, lifting them up above their Brethren in worldly pompe,



and do tend to the hinderance of the Ministrie. Fifthly, the keeping and authorizing corrupt Assemblies—at Linlithgow, 1606 and 1608; At Glasgow, 1610; At Aberdene, 1616; At S. Andrews, 1617; at Perth, 1618—which are null and unlawful, as being ealled and constitute quite contrary to the order and coustitutions of this Kirk, received and practised ever since the reformation of Religion, and, withall, labouring to introduce novations into this Kirk, against the order and religion established. A sixth cause is, the want of lawfull and free Generall Assemblies, rightly constitute of Pastors, Doctores, and Elders, yearly or oftner, *pro re nata*, according to the libertie of this Kirk, expressed in the Book of Policy, and acknowledged in the Act of Parliament, 1592. After which the whole Assembly, in one heart and voyce, did declare, that these and such other, proceeding from the neglect and breach of the Nationall Covenant of this Kirk and Kingdome, made in Anno 1580, have been, indeed, the true and maine causes of all our evils and distractions. And, therefore, ordaine, according to the coustitutions of the Generall Assemblies of this Kirk, and upon the grounds respectie above specified, That the foresaid Service-Book, Books of Canons, and Ordination, and the high Commission, be still rejected: That the Artieles of Perth be no more practised; That Episcopall Government, and the Civill places and power of Kirk-men, be holden still as unlawfull in this Kirk; That the above named pretended Assemblies—At Linlithgow, 1606 and 1608; At Glasgow, 1610: At Aberdene, 1616; At S. Andrews, 1617; At Perth, 1618—be hereafter accompted as null, and of none effect. And that, for preservation of Religion, and preventing all such evils in time coming, Generall Assemblies, rightly constitute, as the proper and competent judge of all matters Ecclesiastieall, hereafter be kept, yearly and oftner, *pro re nata*, as occasion and necessity shall require; The necessity of these occasional Assemblies being first remonstrate to His Majestie, by humble supplication: As also that Kirk Sessions, Presbyteries, and Synodall Assemblies, be constitute and observed, according to the order of this Kirk.

After the voycing of the Act, (anent the causes of our by-gone evils,) His Majesties Commissioner consented, verbally, to the said Act, and promised to give into the Clerk in writ, the Declaration of His consent, and that he should ratifie this Act in the ensuing Parliameut.

Sess. XVIII. 26 Aug. 1639.

*Act approving an old Register of the Generall Assembly.*

The whole Assembly, (upon the report made to them anent the old Register of the Assembly, gotten from Master John Rig,) all in one voice, approved the said Register, and ordained the same to make faith in judgement, and outwith in all time coming, as a true and authentick Register of the Kirk of Scotland, conforme to the testimonie subscribed by the Committee, to be insert in the Books of Assembly; whereof the tenor followeth:—

**W**E under subscribers, Forsameikle as the late Generall Assembly, holden at Glasgow, gave power and Commission to us, To peruse, examine, and cognosce upon the validitie, faith, and strength of the Books and Registers of the Assembly, parti-

cularly set down in the Commission given to us thereanent. According whereunto, we did carefully view, peruse, and consider the saids Registers, and gave our testimony thereof under our hands, of the validitie and sufficieucie of the samine, to the said Generall Assembly. And now, having a new Commission given to us from the Generall Assembly now presently convened and sitting at Ediuburgh, To peruse, examine, and eognosce upon the validitie, faith, and strength of another Register of the Assembly, which was not set down and recommended to us by the said former Commission, which Register beginneth at the Assembly holden at Edinburgh the sixth day of March 1572, and endeth at the Assembly likewise holden at Edinburgh 1573, we have carefully viewed, perused, and considered the said Register: And being deeply and maturely advised, as in a matter of greatest weight and consequence, doe attest before God, and upon our consciences declare to the world and this present Assembly, That the said Register above exprest, is a famous, authentick, and good Register, which ought to be so reputed, and have publik faith in judgement and outwith, as a valid and true Record in all things, And findis the same to be of the same hand-writ, and subscribed by the same Clerk of the Generall Assembly, as divers of the said other Registers (formerlie perused by us) are. And, in testimonie of our solenne affirmation, we have subscribed these presents with our hands, at Edinburgh, the day of August, 1639.

Act Sess. XIX. Aug. 27, 1639.

*Act approving the deposition of the Ministers by the Committees.*

**T**HE Assembly, after the receiving of the whole reports from the Committees, appointed for revising of the processes and sentences, led, deduced, and pronounced before, and by the severall Commissions granted by the Assembly at Glasgow, All in one voice approved the saids whole Processes as orderly proceeded, and the whole sentences pronounced thereintill, as just and lawfull decrees, without prejudice of any favour that can be showne to any person or persons, against whom the said sentences are pronounced upon their supplications, or of Justice to such as eomplaine of their processe, and offers to reduce the same upon whatsoever reason competent, by the Constitutions of this Kirk and Kingdome, before the Generall Assembly and the Commissioners thereof, they being appointed for that effect.

Act Sess. XX. 28 Aug. 1639.

*Act anent receiving of deposed Ministers.*

**T**HE which day, the Generall Assembly, upon the report of the Committees anent these who are deposed by Synods, Doe make this Generall Act, recommeuding to the Synods all these who are deposed before them for subscribing of the Declinator, and reading of the Service-book, and for no other grosse cause, That, upon their true repentance, and submission to the Constitutions of this Kirk, and upon their purgation and clearnesse from any grosse Faults laid to their charge in any new processe against them, they may be found by the Synods eapable of the Ministerie, when God grants them an ordinary and lawfull calling by admission from the Presbyterie, either in the Church they served in before, or in any other Church.



Act Sess. XXI. 29 August 1639.

*Act anent the keeping of the Lords Day.*

The Generall Assembly reecomendeth to the severall Presbyteries the execution of the old Acts of Assembly against the breach of the Sabbath Day, by going of Mylnes, Salt-Pannes, Salmond-fishing, or any such like labour; and, to this end, revives and renews the Act of the Assembly holden at Haly-rude-honse, 1602, Sess. 5, whereof the tenor follows:—

THE Assembly considering that the conventions of the People, specially on the Sabbath Day, are very raro in many places, by distraction of labour, not onely in harvest and seed-time, but also every Sabbath, by fishing both of white fish and Salmond-fishing, and in going of Mylnes. Therefore the Assembly dischargeth and inhibiteth all such labour of fishing, as well white fish and Salmond-fish, and going of Mylnes of all sorts upon the Sabbath, under the pain of incurring the censures of the Kirk: And ordaines the Commissioners of this Assembly to mean the same to His Majestie, and to desire that a pecuniall paine may be injoined upon the contraveeners of this present Act.

Act Sess. XXII. 29 Aug. 1639. à meridie.

*Articles and Overtures approved by the Assemblie.*

THAT some Commissioners be appointed to visit and peruse the whole Acts of Generall Assemblies, and to mark such Acts as are for the use of the Kirk in Generall, To extract the same out of the Registers, to the effect that after they be tryed, they may be printed according to the old Acts of the Assembly at Edinburgh, March 7, 1574, Sess. 9.

The Assemblie appoints the Presbyterie of Edinburgh to have a care of this article, and to report their diligence to the next Assembly.

That course may be taken for restraining of people from passing to England to marry, which is the occasion of great inconveniences.

The Assembly alloweth this article, and recommends to the Parliament that they would appoint a pecuniall summo to be paid by the contraveeners.

That the Acts for furnishing expences to Commissioners, sent by the Presbyteries to the Generall Assembly, and sent in Commission by Generall Assemblies, may be explained; And it be declared that all such Commissioners whatsoever, by their stipends, may be furnished by the Kirks of the Presbyterie, according to the order set down in the Act of the last Assembly, since the errand is common, and the benefit concerneth all; and that order may be taken, how that an expedient voluntarie course, thought fit by the Assembly, shall, by advise of Parliament, have the force of a law, for compelling these to pay who are stented, both for the last and this Assembly, and in time to come.

The Assembly allows this article, and referres the same to the Parliament.

That the Session-books of every Paroche be presented once a year to the Presbyteries, that they may be tryed by them.

The Assembly alloweth this article.

That the Act of the 38 Assembly at Edinburgh, October 24, 1578, Sess. 8, ordaining Ministers who are deposed, to be charged, under the pain of excommunication, to dimit their places, that they may be unquestionably vacand, may now be renewed.

The Assembly alloweth this article, and remits the same to the Parliament.

The Assembly would revive or renew all former Acts of Assembly against Papists and excommunicate persons, against hannters with them, and receivers of them.

The Assembly alloweth this article.

That an nniforme Catechisme may be appointed to be used throughout this whole Kingdome, in the examinations before the Communion.

The Assembly alloweth this article.

That all Ministers or Intrants presented to Kirks, be tryed before their admission, if they be qualified for the places to which they are presented, besides the ordinary tryalls of Expectants before their entrie to the Ministerie.

The Assembly alloweth this Article.

Sess. XXIII. 30 Aug. 1639.

*The Supplication of the Generall Assembly to the Kings Majesties Commissioner, concerning the Book, called "The Large Declaration."*

WEE, the Members of this present Assembly, for our selves, and in name of the severall Presbyteries, Burghs, and Universities for which we are Commissioners, resenting the great dishonour done to God, our King, this Kirk, and whole Kingdome, by the Book called "A Large Declaration," have here represented the same to your Grace, and have collected some, amongst many, of false, grosse, and absurd passages; That, from the consideration thereof, your Grace, perceiving the intolerable evils foresaids contained therein, may be pleased to represent the same to our gracious Sovereigne, and in our belails humbly to beseech his Majestie, so much wronged by the many foul and false relations, suggested and perswaded to him as trueths, and by stealing the protection of His Royall Name and Authoritie to the patrocine of such a Book: To be pleased first to call in the said Book, and thereby to shew his dislike thereof: Next, to give Commission and warrant to eite all such parties as are either knowne or suspect to have had hand in it, and to appoint such as His Majestie knowes to be either authors, informers, or any wayes accessarie, being Natives of this Kingdome, To be sent hither to abide their tryall and censure before the Judge Ordinary, and in speeciall Master Walter Balcanquell, now Deane of Durhame, who is known and hath professed to be the author, at least avower and maintainer of a great part thereof; that by their exemplar punishment, others may be deterred from such dangerous courses, as in such a way to raise sedition betwixt the King and His Subjects, Gods honour may be vindicate from so high contempt, His Majesties justice may appear, not only in cutting away such Malefactors, but in discouraging all such under-miners of His throne, His loyall and loving Subjects shall be infinitely contented to be cleared before the world of so false and unjust impntations, and will live hereafter in the greater securitie, when so dangerous a course of sedition is prevented, and so will have the greater



and greater cause to pray for his Majesties long and prosperous Reigne.

His Majesties Commissioner in Councell having received the said Supplication, promised to impart the same to His Majesty, and to report his diligence therein.

*The Supplication of the Assembly to His Majesties High Commissioner, and the Lords of Secret Councell.\**

WE, the Generall Assembly, considering, with all humble and thankfull acknowledgement, the manie recent favors bestowed on us by His Majestie, and that there rested nothing for crowning his Majesties incomparable goodnes toward us, bot that all the members of this Kirk and Kingdom might be joyned in one and the same Confession of Faith with God, with the Kings Majestie, and among ourselves: And conceiving the main lett and impediment to this so good a worke, and so much wished be all, to have bene the Informations made to his Majestie, of our intentions to shaike off Civill and dutiful obedience dew to Sovereignty, and to diminish the Kings greatnes and authoritie, and being most willing and desyrous to remove this and all suche impediments, whiche may hinder and impede so full and perfyte an Union, and for clearing of our loyaltie, WEE, in our names, and in name of all the rest of the Subjects and Congregations whome wee represent, doe now, in all humilitie, represent to your Grace, His Majesties Commissioner, and to the Lords of His Majesties most honourable Privie Councell, and declare before God and the World, that we never had, nor have anie thought of with-drawing our selves from that humble and dutiful subjection and obedience to His Majestie and to his Government, which, by the descent and under the reign of 107 Kings, is most cheirfullie acknowledged be us and our predecessors: And that we never had, nor have any intention or desire to attempt anie thing that may tend to the dishonour of God, or the diminution of the Kings greatnes and authoritie; But, on the contrary, acknowledging our quietnes, stabilitie, and happines to depend upon the safetie of the Kings Majesties Person, and maintenance of His greatnes and Royal authority, as Gods Vice-gerent set over us, for maintenance of Religion and ministration of Justice, We have solemne sworne and doe swear, not onlie our mutual concurrence and assistance for the caus of Religion, and to the uttermost of our power, with our meanes and lyves, to stand to the defence of our dread Sovereine, his Person and authoritie, in the preservation and defence of the said true Religion, Liberties, and Lawes of this Kirk and Kingdome, bot also in everie thing which may concerne His Majesties honor, sall, according to the Lawes of this Kingdome and dutie of good subjects, concurre with our friends and followers in quiet manner, or in armes, as wee sall be requyred of His Majestie, His Councell, or anie having his Authority. And, therefore, being most desyrous to clear our selves of all imputation of this kynd, following the laudable example of our predecessors, in anno 1589, doe most humble supplicat your Grace, His Majesties Commissioner, and the Lords of His Majesties most

honourable privie Counsel, to enjoyne be Act of Councell, that the Confession and Covenant, which, as a testimonie of our fidelitie to God, and loyaltie to our King, wee have subscribed, be subscribed be all His Majesties Subjects, of what ranke and quality soever.

*The Act of the Lords of Councell at Edinburgh. August 30, 1639, containing the Answer of the preceding Supplication.*

THE which day, in presence of the Lord Commissioner and the Lords of Privie Councell, compeired personally John Earle of Rothes; James Earle of Montrose; John Lord Lowdown; Sir George Stirling of Keir, Knight; Sir William Douglas of Cavers, Knight; Sir Henry Wood of Bonytoun, Knight; John Smyth, Burgesse of Edinburgh; Mr Robert Barclay, Provost of Irwing; Mr Alexander Henderson, Minister at Edinburgh; and Mr Archbald Johnstoun, Clerk to the Generall Assembly; and, in the name of the present sitting Generall Assembly, gave in to the Lord Commissioner, and Lords of Privie Councell, the Petition above written; Quhilk being red, heard, and considerit be the said Lord Commissioner and Lords of Privie Councell, they have ordainit, and ordains the samen to be insert and registrat in the books of Privie Councell, and, according to the desyre thereof, ordains the said Confession and Covenant to be subscribed in tyme comeing, be all His Majesties Subjects of this Kingdome, of what ranke and qualitie soever.

*The Kings Majesties Commissioners Declarations.*

THE which day His Majesties Commissioner and Lords of Councell, after the receiving of the Supplication of the Generall Assembly, anent the subscribing of the Covenant, having returned to the Assembly, His Majesties Commissioner, in name of the Councell, declared: That he had received the Supplication of the Assembly, desiring that the Covenant might receive the force of an Act of Councell, to be subscribed by all his Majesties Subjects, that they had found the desire so fair and reasonable, that they conceived themselves bound in duety to grant the same, and thereupon have made an Act of Councell to that effect, and that there rested now the Act of Assembly; and that he himself was so fully satisfied, that he came now, as his Majesty's Commissioner, to consent fully unto it; and that he was most willing that it should be enacted here in this Assembly, to oblige all his Majesties Subjects to subscribe the said Covenant, with the Assemblies explanation. And because there was a third thing desired, His subscription, as the Kings Commissioner, unto the Covenant, which he behooved to do, with a Declaration in writ; and he declared, as a Subject, he should subscribe the Covenant as strictly as any, with the Assemblies Declaration; but as His Majesties Commissioner in his name he behoved to prefix to his subscription the Declaration following, which no Scots Subjects should subscribe or have the benefit of, no, not himself as Earle of Traquair. The tenor whereof follows:—

Seeing this Assembly, according to the laudable forme and custome heretofore kept in the like cases, have, in a humble and dutiful way, supplicate to us His Majesties Commissioner, and the Lords of His Majesties most honourable Privie Councell, That the Covenant, with the explanation of this Assem-

\* This petition and deliverance are given from the Register of Privy Council, as the most authentic source. It varies in a few particulars, as well as in the orthography, from the copy authenticated and printed by the Clerk of Assembly.—Ed.



bly, might be subscribed : And to that effect that all the subjects of this Kingdome, by act of Councell, be required to doe the same : And that therein, for vindicating themselves from all suspitions of disloyaltie, or derogating from the greatnesse and authoritie of our dread Sovereigne, have therewith added a Clause, whereby this Covenant is declared one in substance with that which was subscribed by His Majesties Father of blessed memory, 1580, 1581, 1590, and oftner since renewed. Therefore I, as His Majesties Commissioner, for the full satisfaction of the Subjects, and for settling a perfect Peace in Church and Kingdome, doe, according to my foresaids Declaration and Subscription, subjoynd to the Act of this Assembly, of the date the 17 of this instant, allow and consent that the Covenant be subscribed throughout all this Kingdome. In witness whereof I have subscribed the premisses.

*Likeas his Majesties Commissioner, read and gave in the Declaration following, of his consent to the Act of the Assembly, 17 August, anent the causes of our by gone evils.*

I John Earle of Traquair, His Majesties Commissioner in this present Assembly, doe, in His Majesties Name, declare, that, notwithstanding of His Majesties own inclination, and many other grave and weightie considerations, yet such is His Majesties incomparable goodnesse, that, for settling the present distractions, and giving full satisfaction to the Subject, He doth allow, like as I, His Majesties Commissioner, doe consent to the foresaid Act, and have subscribed the premisses.

*Likeas His Majesties Commissioner read and gave in the Declaration following :—*

IT is alwayes hereby declared by me, His Majesties Commissioner, That the practise of the premisses, prohibited within this Kirk and Kingdome, outwith the Kingdome of Scotland, shall never bind nor inferre censure against the practises outwith the Kingdome; which, when the Commissioner required to be insert in the Register of the Kirk, and the Moderator, in name of the Assembly, refused to give warrant for such practise, as not agreeable with a good conscience, His Grace urged that it should be recorded, at least that he made such a Declaration, whatsoever was the Assemblies Judgement in the contrair : And so it is to be understood to be insert here onely *vocative*.

*Act ordaining the subscription of the Confession of Faith and Covenant, with the Assemblies Declaration.*

THE Generall Assembly, considering the great happinesse which may flow from a full and perfect Union of this Kirk and Kingdome, by joyning of all in one and the same Covenant with God, with the Kings Majestie, and amongst our selves, having, by our great Oath, declared the uprightness and loyaltie of our intentions in all our proceedings, and having withall supplicated His Majesties high Commissioner, and the Lords of His Majesties honorable Privie Councell, to injoyn, by Act of Councell, all the Lieges in time coming to subscribe the Confession of Faith and Covenant, which, as a testimony of our fidelity to God and loyaltie to our King, we have subscribed : And seeing His Majesties high Commissioner, and the Lords of His Majesties honorable Privie Coun-

cell, have granted the desire of our Supplication, ordaining, by evill authority, all His Majesties Lieges, in time coming, to subscribe the foresaid Covenant, that our Union may be the more full and perfect, We, by our Act and Constitution Ecclesiasticall, doe approve the foresaid Covenant in all the Heads and Clauses thereof, and ordaines of new, under all Ecclesiasticall censure, that all the Masters of Universities, Colledges, and Schooles, all Schollers at the passing of their degrees, all persons suspect of Papistry, or any other errour, and, finally, all the members of this Kirk & Kingdome, subscribe the same with these words prefixed to their subscription : "The Article of this Covenant, which was, at the first subscription, referred to the determination of the Generall Assembly, being determined, and thereby the five Articles of Perth ; the government of the Kirk by Bishops ; the civill places and power of Kirkmen, upon the reasons and grounds contained in the Acts of the Generall Assembly, declared to be unlawfull within this Kirk : we subscribe according to the determination foresaid." And ordaines the Covenant, with this Declaration, to be insert in the Registers of the Assemblies of this Kirk, Generall, Provinciaill, and Presbyteriall, *ad perpetuam rei memoriam* ; and, in all humility, supplicates His Majesties high Commissioner, and the honourable Estates of Parliament, by their authoritie to ratifie and injoyne the same, under all civill paines, which will tend to the glory of God, preservation of Religion, the Kings Majesties honour, and perfect peace of this Kirk and Kingdome.

Aug. 30. 1639.

*Act anent Appellations.*

THE Assembly appointed, that, in all time hereafter, no Appellations should be, leaping over either Presbyterie or Synod, but to ascend by degrees as from the Kirk Session to the Presbytry, or from the Presbyterie to the Synod, and from the Synod to the Generall Assembly, except it be after the Synod be past, and immediatly before the Generall Assembly, or in the time thereof, and renewes all former Acts made to this effect.

*Act anent advising with Synods and Presbyteries before determination in Novations.*

THE Generall Assembly, considering that the intended Reformation being recovered, may be established, Ordaines, that no Novation which may disturb the peace of the Church, and make division, be suddenly proponed and enacted : But so as the motion be first communicate to the severall Synods, Presbyteries, and Kirks, that the matter may be approved by all at home, and Commissioners may come well prepared, unanimously to conclude a solide deliberation upon these points in the Generall Assembly.

*Act anent Ministers Catechising, and Familie Exercises.*

THE Assembly, considering that the long-awaited for fruits of the Gospel, so mercifully planted and preserved in this Land, and the Reformation of our selves and Families, so solemnly vowed to God of late in our Covenant, cannot take effect, except the knowledge and worship of God be carried from the Pulpit to every family within each Parish, hath



therefore appointed, that every Minister, besides his paines on the Lords day, shall have weekly catechising of some part of the Paroch, and not altogether cast over the examination of the people till a little before the Communion. Also, that in every Familie the worship of God be erected, where it is uot, both Morning and Evening, and that the Children and Servants be catechised at home, by the Masters of the Families, whereof accompt shall be taken by the Minister, and Elders assisting him in the visitation of every Family: And, lest they fail, that visitation of the severall Kirks be seriously followed by every Presbyterie, for this end among others. The execution and successe whereof, being tryed by the Synods, let it be represented to the next Generall Assembly.

Sess. XXIV. 30. Aug. à meridie.

*The Assemblies Supplication to the Kings Majestie.*

MOST GRACIOUS SOVERAIGNE,

**W**EE, Your Majesties most humble and loyall Subjects, the Commissioners from all the parts of this your Majesties ancient and native Kingdome, and members of the Nationall Assembly, couvened at Edinburgh by your Majesties speciall indiction, and honoured with the presence of Your Majesties High Commissioner, have been waiting for a day of rejoycing, and of solemne Thanksgiving to be rendred to God by this whole Kirk and Kingdome, for giving us a King so just and religious, that it is not only lawfull for us to be Christians under Your Majesties government, which sometime hath been the greatest praise of great Princes, but also that it hath pleased Your gracious Majestie to make known that it is Your Royall will and pleasure, that all matters Ecclesiasticall be determined in free Nationall Assemblies, and matters civill in Parliaments; which is a most noble and ample expression of Your Majesties justice, and we trust shall be a powerfull meane of our common happinesse under your Majesties most blessed Raigne. In the mean while we doe most humbly, upon the knees of our hearts, besse your Majestie for that happinesse already begun in the late Assembly at Edinburgh, in the proceedings whereof, next under God, we have laboured to approve our selves unto Your Majesties Vice-gerent, as if Your Majesties eyes had been upon us, which was the desire of our soules, and would have bene the matter of our full rejoycing, and doe still continue Your Majesties most humble supplicants for Your Majesties civill sanction and ratification of the constitutions of the Assembly in Parliament: That your Majesties Princely power, and the Ecclesiasticall Authority, joyning in one, the mutual embracements of religion and justice, of truth and peace, may be scene in this Land, which shall be to us as a resurrection from the dead, and shall make us, being not only so farre recovered, but also revived, to fill Heaven and Earth with our praises, and to pray that King CHARLES may be more and more blessed, and His throne established before the Lord for ever.

**T**HE Assembly appoints the next Generall Assembly to sit at Aberdeene the last Tuesday of July next, 1640 years. And warneth all parties, Universities, and Burrows, to send their Commissioners, for keeping the samine. And thereafter the Assembly was concluded by giving of thanks by the Moderator, and singing of a Psalm, according to the custome.

FINIS.

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- 2.—Election of Master David Dickson, Moderator.
- 3.—The Kings Majesties Commissioners and the Assemblies Declarations anent the Assembly of Glasgow.
- 4.—Renunciation of Master Alexander Lindsay, pretended Bishop of Dunkell, of Episcopacie.
- 5.—Commission for Visitation of the Universitie of S. Andrews.
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- 12.—Act anent the Adjoyning of some Kirks in the Ile of Boot to the Presbyterie of Denune.
- 13.—Act Adjoyning some Kirks in the Iles of Coill and Tyric to the Provinciall of Kilmoire.
- 14.—Commission for Visitation of the Colledge of Aberdeene.
- 15.—Commission to the Presbyterie of Edinburgh.

#### Miscellaneous Historical Documents.

RELATIVE TO THE ECCLESIASTICAL AND POLITICAL EVENTS IN SCOTLAND—1639.

1639.—January 18-29.

1. *Missive anent the King's coming to York to the Privy Council of Scotland.*†

Apud Edinburgh, 29 Januarii 1639.—Sederunt,  
 Thesaurer, Wintoun, Aduocat,  
 Mar, Elphinston, Tre<sup>r</sup> Deput,  
 Murray, Naper, Justice G<sup>r</sup>ail,  
 Argyle, Clerk Reg<sup>r</sup>, Justice Clerk.

The whilk day the Missive Letter under written, signed be the Kings Majestie, and direct to the Lords of Privie Councill, was presentit to the saids Lords and read in their audience, of the whilk the tennor follows:—

CHARLES R.—Right trusty and right weil be-lovit cousine and counsellor, &c., We griet yow weil. Whereas we intend to repare, in person, to York, about Easter next, that we may be the more neare to that our kingdome, for accommodating our affaires there in a faire maner, which course we all-ways affected, as we still doe: These are to advertyse yow of this our resolution, being confident that, in the meane tyme, yow will not be waiting in that which serves the good of our service; and as we shall acquaint yow frome tyme to time with our further proceedings; so, if anie thing occurre wherein yow would advise us, lett us lykewayes be acquainted therewith, becaus we will speciallic rely upon your judgement: And so we bid yow farewell, frome

\* Although several of these Acts are thus said to be "not printed" in the official edition, several of them appear in that edition, and in the foregoing reprint from it.—*Ed.*

† Privy Council Record.



our Court at Whitehall, the 18 of Januarie 1639. Sti. Seo.

Quhilk missive being heard and considert be the saids Lords, they ordainit the same to be insert and registrat in the booke of Privie Counsell.

1639.—January 26.

2. *Letter from the King to the Nobility of England.\**

CHARLES REX,

Right Trusty and Right Welbeloved Cousin, We greet you well. The late Disorders in Our Realm of Scotland, began upon pretence of Religion, but now appearing to have been raised by Faetious spirits, and fomented by some few ill and traiterously affected partieular Persons, whose aim hath been, by troubling the Peace of that our Kingdom, to work their own private ends, and indeed to shake off all Monarchieall Government, though We have often assured them, that We resolved to maintain constantly the Religion established by the Laws of that Kingdom, is now growen to that height and dangerous consequence, that under those sinister pretenees, they have so far seduced many of our People there, as great and considerable Forces are raised and assembled in such sort, as we have reason to take into consideration the Defence and Safety of this Realm of England; and therefore upon due and mature consultation with the Lords of our Council, We have resolved to repair in our Roial Person to the Northern parts of this our Realm, there (by the help of Almighty God, and the assistance of our good Subjects) to make resistance against any invasion that may happen.

And to the end that this Expedition may be as effectual as we design, to the Glory of God, the Honour and safety of Us, and of this our said Kingdom of England, We have directed that a considerable Army both of Horse and Foot, should be forthwith levied out of all the Shires to attend Us in this Action, wherein we nothing doubt, but the Affection, Fidelity, and Courage of our People shall well appear.

In the mean time, we have thought fit, hereby to give you notice of this our Resolution, and of the state of our Affairs, and withall hereby to require You to attend Our Royal Person and Standard at Our City of York, by the first day of April next ensuing, in such Equipage, and such Forces of Horse, as your Birth, Honour, and your Interest in the publick Safety do oblige you unto, And as we do and have reason to expect from you. And this our Letter shall be as sufficeient and as effectual a Warrant and Discharge unto you for the putting of your selfe, and such as shall attend you, into Arms, and Order as aforesaid, as if you were authorised thereunto by our Great Seal of England. And we do require you to eertifie Us under your hand within fifteen days next after the receipt hereof, what Assistance we shall expect from you herein, and to direct the same to one of our Principle Seeretaries of State. Given under our Signet at our Palae of Westminster the 26th day of January in the fourteenth Year of our Raign.

*Exam. P. WARWICK.*

1639.—February 15.

3. *The King's Letter to the Nobility.†*

[This letter, though of a later date than the one which preceded it, is precisely of the same tenor, in all respects, and seems, therefore, to have been sent

as a proof of the Kings settled purpose in regard to the expedition. It is, therefore, omitted as superflous.]

1639.—February 20.

4. *Extract from the King's Proclamation.\**

This proelamation sets forth "How traiterously some of the Seottish Nation had praetieed to pervert his Loyal Subjects of this Realm, by scattering abroad their Libellous and Seditious Pamphlets, mingling themselves at their publick meetings, and reproaching both his Person and Government; That he had never any intention to alter their Religion or Laws, but had eondescended unto more for defence thereof than they had reason to expect; That they had rejected the Band and Covenant which themselves had prest upon the people, because it was commended to them by his Authority; and having made a Covenant against God and him, and made such Hostile preparations, as if he were their sworn Enemy, and not their King; That many of them were men of broken Fortunes, who because they could not well be worse, hoped by engaging in this War to make themselves better; That they had assumed unto themselves the power of the Press, one of the chief markes of the Regal Authority, prohibiting to Print what he commanded, and commanding to Print what he prohibited, and dismissing the Printer whom he had established in that Kingdom; That they had raised Arms, blockt up and besieged his Castles, laid Impositions and Taxes upon his people, threatned such as continued under Loyalty, with force and violence; That they had contemned the Authority of the Council-Table, and set up Tables of their own, from which they send their Edicts throughout all parts of the Kingdom, contrary to the Laws therein established, pretending in the mean time that the Laws were violated by himself; That the question was not now, whether the Service-Book should be received or not, or whether Episcopacy should continue or not, but whether he were King or not? That many of them had denied the Oaths of Supremacy and Allegiance (for which some of them had been committed) as inconsistent and incommptable with their holy Covenant; That being brought under a necessity of taking Arms, he had been tradueed in some of their writings for committing the Arms he had then raised, into the hands of professed Papists, a thing not only dishonourable to himself, and the said noble persons, but false and odious in it self; That some of power in the Hierarehy had been defamed for being the cause of his taking Arms to invade that Kingdom, who on the contrary had been only Councillors of peace, and the chief perswaders (as much as in them lay) of the undeserved moderation wherewith he had hitherto proceeded toward so great Offenders; That he had no intent by commending the Service-Book unto them to innovate any thing at all in their Religion, but only to create a conformity between the Churches of both Kingdoms, and not to infringe any of their Liberties which were according to the Laws; That therefore he required all his loving Subjects not to receive any more of the said seditious Pamphlets, but to deliver such of them as they had received, into the hands of the next Justice of the Peace, by him to be sent to one of his Majesties principle Seeretaries; And finally, That this his Proclamation and Declaration be

\* Rushworth, vol. ii., p. 791.

† Ibid, p. 818.

\* Heylyn's Life of Laud, p. 359. We have not been able to find the entire proclamation itself; but Heylyn's account may be trusted as to its character.



read in time of Divine Service in every Church within the Kingdom, that all his People to the meanest, might see the notorious carriages of these men, and likewise the Justice and Mercy of all his proceedings."

1639.—March 1.

5. *Answer to his Majesties Missive anent his comming to Yorke.\**

Apud Edinburgh, Primo Martii, 1639.—Sederunt,  
 Theasaurer,      Lauderdaill,      Clerk Reg<sup>r</sup>,  
 Argile,            Southesk,            Aduocat,  
 Mar,                Angus,                Justice Gen<sup>ll</sup>,  
 Murray,           Elphinston,        Tr<sup>er</sup> Deput,  
 Wigton,            Naper,               Justice-Clerk,  
 Kingorne,        Amant,               Blackhall.

The whilk day, the Lords of Secreit Counsell ordained ane Missive to be written to His Majestie, conteaning ane answer to his Majesties Missive formerlie sent unto thame, and insert in the Bookes of Privy Counsell, anent his Majesties comming to Yorke, quhilk was accordinglie done of the date and tennor folowing :—

MOST SACRED SOVERANE,

By your Majesties Letter, the 18 of Januar, your Majestie wes graciouslie pleased, not onlie to lett us know your Majesties resolution to come to Yorke to be so much nearer this kingdome for accommodating your Majesties affaires heere in a faire manner, which course your Majestie graciouslie expresseth, you still affect, but also requires us, that if there be anie thing wherein we would advyse your Majestie, that we sould acquaint your Majestie therewith. Wherefore, least we sould be wanting in that dewtie which your Majestie may justlie expect frome us as humble and faithfull Counsellors, or seeme unworthie of the place and rowme whiche, by your Majesties speeiall favour, we injoy in the kingdome, We cannot but acquaint your Majestie with ane Supplication given in to us by ane great many Noblemen, Barrons, Burgesses, and others of this Kingdome, which, for your Majesties better information, we presume to send yow herewith. And, withall, we canuot but let your Majestie know that, for farther cleiring thair innocencie thair of, they have offered publicklye, at Counsell table, by thair oaths and subscriptions, to justifie thameselves and thair intentions heerin. And least upon this, or some suche informations, your Majestie might be the more easilie moved to thinke upon harder courses then your Majestie heirtofore hath bene pleased to keepe with this your antient and native kingdome and subjects therein, we deame ourselves bound in dewtie, and in obedience to your Royall commandments, to represent to your Majesties wise and grave consideration this thair Petition. And, seing the peace of your Majesties Government, wherein consisteth our earthlie happenes, and wealfare of the kingdome dependeth upon your Majesties resolutions, and the course yow sall be graceouslie pleased to keepe in the prosecution of thir maters now in hand, We humble supplicat your Majestie, in your accustomed fatherlie care of the good and preservation of this your antient kiugdome, and of your faithfull subjects therein, to resolve upon sume suche course as, without force of armes or showing of your princelie power, the deplorable estate of this kingdome may be settled, whereby your Majestie may receive contentment, and we, your humble and faithfull subjects, may injoy the wounted blinkes of your Majes-

ties favour in ane happie and peaceable Government. And so, with our humble and heartie prayer to God to direct your Majestie in this great and important busines after suche maner as sall be most agreable to your Majesties honour and the peace of the kingdome, we rest, &c. Edinburgh, Primo Martii, 1639.

*Sic Subscribitur.*

TRAQUAIRE,

Argile, Mar, Murray, Wigton, Kinghorne, Lauderdaill, Southesk, Angus, Elphinston, Naper, Amont, J. Hay, Sr Thomas Hop, W. E. Johnston, Ja. Carmichaell, Hamilton, Blackhall.

1639.—March 15–22.

6. *Another Missive anent his Majesties comming to Yorke.\**

Apud Halyrudhous, 22 Martii 1639.—Sederunt,  
 Thesaurer,      Justice Gen<sup>all</sup>,      Tr<sup>er</sup> Deput,  
 Mar,                Aduocat,                Justice Clerk,  
 Dumfreis,

The whilk day, the Missive Letter underwritten, signed be the Kings Majestie, and direct to the Lords of Privie Counsell, wes presented to the saids Lords, and read in thair audience, of the whilk the tennor followes :—

CHARLES R.—Right trusty, &c., We greit you well. We have perceaved by your Letter, wherein yow make mention of that which we expressed in a letter formerlie, of our repairing to Yorke, to be the more neere to that kingdome for accommodating our affaires there in a faire maner; and withall yow expresse your desire how the deplorable estate of that kingdome might be settled without force of armes, or showing of our princelie power. We have shewne our care hitherto by our actions for that effect: nather ar we yitt averse frome continuing in that course. But if, in the meane tyme, anie of our good subjects sall suffer for thair affection to our service, in obedience to our commands, we will be verie sensible thereof, and have a speeiall care to see thame fullie repaired. And so, expecting that yow of our Counsell, as yow are honoured by us to be first in place, will stryve to goe before others by your good example in advancing of our service, we bid yow heartilie farewell, from our Court at Whitehall, the 15 of Marche 1639.

Quhilk Missive being heard and considerit be the saids Lords, they ordaine the same to be insert and registrat in the bookes of Privie Counsell.

1639.—March.

7. *A Letter by the Lords of the Session to the Kings Majestie, sent with my Lord Justice Clerk, in March 1639.†*

MOST SACRED SOVERAIGNE,

The danger of the tymes wherein we live threatening dreadfull desolation of this our ancient and native kingdome, and the conscience of our humble duetie which we owe to your Majestie, our dear and dread Sovereigne, and to this realme, whereof we are feeling members, honoured be your Majestie to be Counsellours and Judges therein, hes constrained us in this case, so important and pressing, to be moane to your sacred selfe, the present calamitie and apparent insueing of more. God, who hes established in your sacred persone the just and lawfull right of regall inheritance, hes also filled

\* Privy Council Record.

\* Privy Council Record. † Folio MS., f. 62.



your Majestie with all other iudgements necessar to the Royall calling ; your Majestie, under God, may sollie allay the terroures of the menassing stormes ; and without the sunschine of your graceous and calme countenance, this land, and the inhabitants thereof, must become quiecklie miserable. The causes are better knowen to your Majestie then that they neid relation. When your Majestie was pleased to iudiet a Generall Assembly, we and most parte of all your good subjects of this Kingdome, wer overjoyed in expectation that the doubts in religious worship and Kirk Government, whilk was tossed to and fro this whyle bygone, should have then beine elcirlie settled ; and although the greater part of your people be weill pleased with the constitutions therein concluded, yet your Majesties displeasure against that Assembly, and the proceedings thereof, and your expresse dislyke of these who adheres to the same, and the fearfull consequences therefra like to ensue, hes turned all the hopes of comfort which we expected, in sorrowes and teares. When Princees stand in doubt of their people, and their subjects stand in doubt of their Prince, if not tymelie remeaded, prove difficill remeadeable. To goe on at anee with deliberation, your Majestie may be pleased to pardon us to averre, that in this they are but badd Counsellours, and no better patriots, who will advise your Majestie to add oyle and fewall to the fire. Violence and armes are pleased amongst desperat remeadies, proving oftner worse then the disease. To speake trueth ingenuously becomes all men, and us mainlie more then nthers, speaking to our King, and in a matter importing no lesse nor the universall fall or standing of this nation, and apprehended by most parte of the leidges to reflect on religioun and conscience, which seldome are forced with successe. Who does insinuat to your Majestie that the opposers to the proceedings of Glasgow doe surpasse in number, and in nther considerable respects, such as adheres to the same, we veritable avow, in our alledgance, that they vent unwarrantable suggestions, which may provoeke the Princees wrath against his people, and does foment meanes for the overthrow of the peace of this Kirk and Kingdome. It is over brittle a fondation whereupon to gadge the honour and safetie of your sacred persone, and to build conclusions of warre ; and we should not hold ourselves for loyall subjects, if we should not say these informations wer contrarie to trueth. Yet your Majestie is knowne to the world to be ane Prince prudent and moderat, who will not be drawn from that laudable forme of raining which was ever familiar to your Majesties selfe, and to your royall Father of blessed memorie, who wor-thilie gloried in the title of ane pacifick King ; for the throne of Kings (says that wise King) is established by Justice and righteousness ; and therefore we must, on the knies of our hearts, supplicat your sacred Majestie, in the bowels and mereies of our blessed Saviour, to be pleased to forbear all purpose of warre, and so to prevent the evils of dispaire and neessitie ; and for that effect, that your Majestie may be pleased to close your ears against all contrarie enduements. Your Majestie is Vicegerent to Almightie God, whose mereies and compassions, although immtable, are proponed as characters of imitation to Princees, so far as mortall man may joy therein, and resemble the immortall God.

These our grave and submisse supplications, we begg, in all humilitie, that your Majestie may be pleased graceouslie [to receive], which we have sent to your Majestie by this bearer the Justice-

Clerk, who is ane of our number, to whom we have committed our Instructions with trust : And we shall never cease to offer up our fervent prayers to Him by quhom Kings reigne, for preservation of your sacred persone, and the continowing felicitie of your long and happie reigning over us, and thereafter of your royall posteritie, so long as the world shall endure.

The Instructions are—

1. To represent to His Majestie that latelie we have presumed, in all humilitie, to write to His Majestie to the same sence of the letter now sent, but we are informed the Letter hes never comed to His Majesties hands, but hes bein miscarried, and hath bein withdrawen, by what meanes we know not.

2. To shew His Majestie that, for any thing can appeare to us, these thinges that are now in question are urged by all as moved thereto, that are by the persuasion of their consciences, they esteeming them poyntes of their faith ; and if force be used, all are persuaded, and so proves, that it is not for these poynts now in question only, but for eueroaching upon religion in ane higher degrie then is pretendit.

3. That His Majestie, in this ease, may be pleased to take it to his royall consideration, what successe persute of armes hes had in all uther Kingdomes against men for matters of conscience, truelie, or taken by them to be such ; and that bloodie warres have ever bein to harden the spirits of men to opposition in matters of conscience, and to increase their number.

4. That, if our neighbour nation doe invaid this countrie, it will assuredlie be taken be all Scotsmen, albeit not affected the present way, for a nationall quarrell ; and all will strive as ane man to defend themselves as for their lives, estates, and liberties of the countrie.

5. That the countrie is also joyned together, now that few or none of them most reserved, can be drawn together to oppone the countrie in this cause.

6. To represent to His Majestie the proffer made by the bodie of the Kingdome to imploy their readiest services, lives, lauds, honours, and quhatsoever is dearest to them in this world, for His Majesties service, and lay the same in at his Royall feete, to be disposed at his pleasure—they being satisfied in matters of religion and conscience, in which was performed in our presence by the great asseverations of many considerable persons amongst them, and which we are persuaded fullie to be true.

1639.—March.

8. *The Oath that they urged upon the Scotts Men at London.\**

I doe faithfullie swear and promise that I doo honour and obey my Sovereigne Lord, King Charles, and will bear faith and true alledgance to him, and defend and mentaine him and his royall power and auctoritie ; and that I will not bear armes, or doe any rebellion or hostile act against his Majestie, or protest against any of His Majesties Royall Commands, but submitting myselfe in all due obedience therunto ; and that I will not enter into any Covenant, oath, or band, for mutuall defence and assistance of any persone or persones whatsoever, contraire to what I have herein sworne, professed, and promised : So help me God in Christ Jesus.

\* Folio MS., f. 68.



1639.—April 2.

9. *Letter from the King to Hamilton.\**

HAMILTON,

I received yours but this morning, to which before I answer, I must tell you News: First, that Jacob Ashly has possessed Berwick with 1000 Foot and 60 Horse, and Carlisle is likewise possessed by My Lord Clifford with 300 men; Secondly, I have commanded Traquair to keep his Chamber, until he give me an account how he left Dalkeith, without striking one stroke, and before any Cannon was brought before it, having left the Ammunition (not destroyed) to their reverence, and likewise the Regalia: of this more by the next. Now for Answer, I have given the Proclamation to be written over by the Clerk-Register, with the General Oath, both which you shall have with all speed: for your Military Oath, I like it extreme well, as likewise your opinion for detaining the Patents of Honours until the Country be settled; for your Brother, certainly if you had forgotten him I should not, but have remembered my old Engagement; and for Dalziel, indeed he deserves well; yet methinks a Viscounty may serve at this time, that I may have something more to give upon further occasion: and so I rest

Your assured constant Friend,

CHARLES R.

York, 2 Apr. 1639.

1639.—April 3.

10. *Letter from the King to Hamilton.†*

HAMILTON,

According to my promise yesterday I have sent you back the Proclamation and Oath, but with very few Additions. As touching Traquair I can say little more than I did, because I have not yet seen his Defence; only if I had not taken this rude notice of his base Action, I am sure I should have disheartened a number of honest men than ever he was, or will be. This morning I have News of the safe Landing of the 500 Irish, which are by this time in Carlisle, there to attend untill further Directions. I have no more at this time to say, but to know if Col. Gun be not one that you have entertained, for it is said that he is going back again to Germany. One thing I had almost forgot; they say for certain that Aberdeen holds out still, and is not likely to yield in haste; if it be so, you know what to do. And so I rest

Your assured constant Friend,

CHARLES R.

York, 3 Apr. 1639.

1639.—April 5.

11. *Letter from the King to Hamilton.‡*

HAMILTON,

This is to tell you, that the News of the rendring of Aberdeen came immediately after the dispatch of the last Post, and that though Huntley be retired, yet he is neither beaten nor over-run: but the chief cause of my writing at this time is, that since I have shown the Proclamation to Orbiston and Sir Lewis Stewart, they have both been very instant with me to change something in it: which (though my Judgment goes with them in the most,

and therefore I will not be wilful; yet) I think I shall alter, or (but rather) palliate one point, to wit, not to set Priece upon the declared Rebels Heads, until they have stood out some little time; which time is to be expressed in this same Declaration. Another thing is, whither and when to send you Deviek; and lastly, whether I shall see you before you put to Sea, which I should be glad of, if it should not retard the Service: and so I rest

Your assured constant Friend,

CHARLES R.

York, 5 Apr. 1639.

1639.—April 7.

12. *Letter from the King to Hamilton.\**

HAMILTON,

I send you with this my Proclamation, as I have now made it upon debate with Sir Lewis Stewart, wherein I have altered nothing from the first, but what I wrote you by my last; only I have added some things of favour to those that shall repent, which nevertheless are of so little moment, that although this should not come to your hands time enough, the other might pass very well. As for the publishing of it, I shall do my best to get it proclaimed both in Edinburgh, and in the rest of the Kingdom: nevertheless you must not leave to do your best for the publishing of it. So wishing good success as well to your Person as Cause, I rest

Your assured constant Friend,

CHARLES R.

York, 7 Apr. 1639.

1639.—April 7.

13. *Letter from the King to Hamilton.†*

HAMILTON,

I send you herewith my Pleasure in a Proclamation to my Subjects of Scotland, and by this command you to use all sort of Hostility against all those who shall not submit themselves according to the tenour of the same; for which this shall be your Warrant.

CHARLES R.

York, 7 Apr. 1639.

1639.—April 10.

14. *Letter from the King to Hamilton.‡*

HAMILTON,

I have spoken with Henry Vane at full, of all those things that were concerted betwixt you, and agree in all things but one, which is, that he thinks your going into the Frith, will make the Rebels enter into England the sooner; whereas on the contrary, I think that my possessing of Carlisle and Berwick hath made them so mad, that they will enter in as soon as they can perswade an Army together, except they be hindred by some awful Diversion; wherefore I could wish that you were even now in the Frith, though the Borders might be quiet till my Army be brought together, which they say will hardly be yet these ten days. Yet I am not out of hope to be at Newcastle within these fourteen days, and so to Berwick as soon as I may with either Honour or Safety; wherefore my Conclusion is, go on a Gods Name in your former Intentions, except

\* Burnet, p. 118. † Ibid, p. 119. ‡ Ibid, p. 119.

\* Burnet, p. 120. † Ibid, p. 121. ‡ Ibid, p. 121.



I send you otherwise word, or your self find some inevitable necessity : and so I rest

Your assured constant Friend,  
CHARLES R.

York, 10 Apr. 1639.

POSTSCRIPT.—I have sent you ten Blanks, whereof four be Signaturewise.

1639.—April 10.

15. *Letter from the King to Hamilton.\**

HAMILTON,

According to my Promise on Thursday last, I send you herewith the Proclamation altered as I then wrote; and that you may not think that these Alterations are grounded upon new Counsels, I shall desire you to observe, that I do not so much as seem to adde the least thing to my former Promises. It is true, that I neither mention the late pretended General Assembly at Glasgow, nor the Covenant, at this time: my reason is, that if for the present I could get Civil Obedience, and my Forts restored, I might then talk of the other things upon better terms. As for excepting some out of the General Pardon, almost every one now thinks that it would be a means to unite them the faster together; whereas there is no fear, but that those who are fit to be excepted, will doe it themselves by not accepting of Pardon, of which number I pray God there be not too many: So that you are now to go on according to your former Directions, onely proclaiming this instead of my former signed Proclamation; and so to proceed with Fire and Sword against all those that shall disobey the same. So praying to God to prosper you in all things, I rest

Your assured constant Friend,  
CHARLES R.

York, 10 Apr. 1639,  
at 4 in the Afternoon.

1639.—April 11.

16. *Resolution of Council and Session to go to Court.†*

Apud Edinburgh, undecimo April, 1639. Sederunt. The Lords of Secret Counsell underwritten—viz., the Earles of Mar, Perth, Wigtoun, Galloway, Lauderdale, and Southesk; the Lords Elphinston and Naper; the Advocat and Treas<sup>r</sup> Deput; togidder with the Lords of Session aftermentioned—viz., the Lords Durie, Innerleith, Foderane, Innerpeffer, Balconnie, Cranston-Riddell, Craighall, Scotstarvet, and Eskbanke.

The Lords of His Majesties Privie Counsell and Session having tane to their consideration the deplorable and calamitous estate of this Kirk and Kingdome; and understanding that one of the greatest causes thereof arose from his Majesties offence taken against the late proceedings within the same, and they being fullie perswaded that his Majestie will be pleased to heare of thame the simple truthe—as they sall be answerable to God and his Majestie—without anie privat respect, but allanerlie his Majesties honour and the safetie of this kingdome: Thairfoir they thinke it necessar and incumbent to thame, out of their humble and bound affection to the weall, honnour, and happines of his Majesties person and government, and for preventing the imminent dangers hanging over this kingdome, that they all unanimsly sould present themselves to

his sacred Majestie, and falling down at his royall feete, deprecate his Majesties wrath againes his subjects; and, therefore they all in ane voyce have resolved to take journey with all expedition towards his Majestie for the effect forsaid.

1639.—April 13.

17. *Letter from the King to Hamilton.\**

HAMILTON,

It is true that I was content to hear your Advice concerning your going into the Frith, it being chiefly to shew Henry Vane that your Judgement went along as well as your Obedience: though I had a care ever to take off from you the envy of seeking this particular Employment, taking it, as it is just, upon my own absolute Command; yet I will not say, but that you might have cause to wonder, because neither of us expressed ourselves so clearly as we might. But my chief errand to you at this time is, that upon serious Debate upon your long Letter to Henry Vane, only with him and Arundel, (for I dare trust no other) we found no reason to alter my former Commands, but were more confirmed in the fitness of them; only we have thought requisit to alter some things in the Proclamation, which you shall receive by the next Dispatch, at furthest within a day or two of this: so that you are not to (indeed I think you cannot) publish any, until the New one come to you, (for I believe it will be at the Holy-Island before you:) the Alterations of which you will only find to be, that I do not say all I think; but in no ways slack my Resolution, much less seem to yield to any new thing. So referring you to Henry Vane for the relating of our Proceedings here, I rest

Your assured constant Friend,  
CHARLES R.

York, 13 Apr. 1639,  
at ten a clock at night.

1639.—April 19.

18. *A Letter from the Nobilitie of Scotland to the Earle of Essex, lying in Berwick, sent with Mr William Cuninghame.†*

OUR MOST NOBLE LORD,

As in all these great affairs which have been so much noysed abroad, of our Church and State, our chiefest care hes beene to walke warrantable, according to the Laws that were sett in force for that effect; so we are certainly perswaded that amongst ourselves there is none that can justlie complaine of what hes passed; and for these our Countrie Men who are now in England, if they be of that number, as they are evill subjects to our gracious King, and worse compatriots to us; so, of all the worst guests amongst yow, while they endeavour to make the remedie of their evils, and the escape of their deserved punishment, the beginning of ane incurable disease betwixt two nations, to whom this quarrell should nowayes extend, if the informations and protestations made by us for this end, and the bond of our Covenant sworne to God and man, hes not cleered all scruples in the mynd of our gracious Sovereigne hitherto; and, of all good subjects with yow, it is not our fault, but rather our joynt misfortune with yow, that there are too too many amongst yow, also in great place and credite, whose privat byasse runnes quyte voyd and contrare to the publict good, and who are, these wicked ones,

\* Burnet, p. 123.

† Privy Council Record.

\* Burnet, p. 122.

† Folio MS., f. 65.



rysing earlie to poysons the publick fountaine, and to sow the unhappie teares of jealousies and discords betwixt yow and us, before the good seed of our love and respect to our neighbour nation can take place in your hearts. Amongst all the evils of this kynd which daylie overtakes us, next to the present undeserved displeasure of our Prince against us, (which God in mercie will take off in his aune tyme,) there could nothing have been fallen so strange and unexpected to us as the drawing of your forces together upon your borders, which, whether to defend yourselves, or to annoy us, and so to prepare and gather those clouds which threathens a sore tempest to bothe, we for our parte wishe they may first perishe in the shipwrack who beginnes to dashe the one nation against the other.

As for yow, my Lord, although your place, person, and qualitie, the honour and reputation of your former life, may give us some assurance that your Lordship will bewar to beginne the quarrell, wherewith the enemies of both the nations will rejoyce and catch the advantage; yet give us live to admire the ground of these needlesse feares that makes you thus strengthen your borders, or rather suspect these pregnant presumptions of a farther project intendit against this nation by your power, which needs must make us bestirre ourselves betymes at all hands for our safetie; God is our witnesse that we desire no nationall quarrell to arise betwixt us, or to tast of that bitter fruit that may sett both your children and our children's teeth on edge, but rather hold ourselves obliged, in conscience of our duetie to God, our Prince, and all our nation, our brethren, to try all just and lawfull meanes for the removall of all causes of discord betwixt two nations who are yet locked together, and should be still in all the strongest bonds of affection and common interest, and to be alwayes readie to offer that occasion of greater satisfaction in this kynd for clearing our loyall intentions towards our Prince, to all whom it may concerne, and, namely, to your Lordship, in regard of your place and command at this tyme, by any mids whatsoever should be thought expedient on both sydes. This farr we thought good to represent to your Lordship, being occasionallie together, so few of us as are in this place, for ourselves, and in name of the rest of our number, who, together with us, shall expect your Lordships answer, and rests your Lordships affectionat friends to serve you.

Edinburgh, 19 Aprile 1639.

April 23.—1639.

19. *Letter from the King to Hamilton.\**

HAMILTON,

Before that this come to your hands you will have received two of mine of an elder Date, to which I can adde so little, that if I had not received yours of the 18<sup>th</sup>, I would not have written at this time. You have done well in laying all the Doubts before me, and shewing all your defects, (for which I am heartily sorry) by which I see there is not so much to be expected as otherwise there might: yet I continue my former Resolution, being glad that your own inclination leads you thereto; recommending Tantallon to your thoughts, for the which I have agreed with the true Owner. Think not of the North until I have done some good in the South. I shall haste to Berwick as soon as possibly I may; but I fear it will not be before the 12<sup>th</sup> of May, and

\* Burnet, p. 123.

I hope the 15<sup>th</sup> will be the latest. So hoping to have a merry meeting with you in Scotland, I rest  
Your assured constant Friend,  
CHARLES R.

York, 23 Apr. 1639.

1639.—April 25.

20. *Letter from the King to Hamilton.\**

HAMILTON,

Having opened your Pacquet to Master Treasurer, I could not but tell you, that I could not but pity your cross Winds, and commend your Diligence: and so I rest

Your assured constant Friend,  
CHARLES R.

York, 25 Apr. 1639.

1639.—May 2.

21. *Missive Letter from the Marquis of Hamilton to the Provost, Magistrates, and Council of the City of Edinburgh.†*

LOVING FRIENDS,

Such is and haith bein his Majesties tender fatherlie caire of this his native Kingdome, that he haith bein graciouslie pleased to indevore, by manie faire and calme wayes, to reclaizme his disobedient subjects within the same, but hitherto all in vaine. So haffing productit no better effects in divers of theme bot the daylie incressing of insolences; and to such ane hicht it is growne, that nothing can be justlie expected from his Majestie bot to use his royall power and force: zitt still, such is his guidnes and clemencie, as that will be the last way he will trite, and then to the gritt grieff. Qulhairfore he hes bein pleased to send me, his High Commissioner, unto these pairts againe, with full powar and authoritie to accommodat these effaires (if it be possible) in ane peaceable way, and to treat and use his guid and deuitfull subjects with all favour and kindnes, qwhereof I thought fitt to give yow notice, yow being the cheiff and principall citie of this his Kingdome; zitt I may say with sorrow, that none hes schewing themselfis more proane to riot and disobedience to his Majesties commands than yow. Bott zitt ther is tyme for repentance—such is his Majesties clemencie. These are thairfor to desyre yow, that not onlie your selfis, bot that yow lyke wayes prepair the hairts of the Commouns, that both yow and yai may be readyr to repaire his Majesties gratusious pleasure which sal be signified unto yow, with that humble and thankfull obedience, as becommeth loyall, deuitfull, and guid subjects, so that, by your guid example, the rest of this Kingdome may doe the lyke, which will be ane meanes for yow to redeme His Majesties favour which yow have iustlie lost, and saive the scheddung of much innocent blood, which both His Majestic and all iust men call Heaven and earth to witness, yow ar the principall causers thereof, as haffing cheiffie countenanced the beginners of these troubles, and which one day most lyc heavielic upone yowr consciences, and call for iust vengeance from God and the King, with the curses of manie innocents which, by yowre meanes, will be destroyde. Bott I houp now, at y<sup>e</sup> last, yow will sie yowr awin errors, and accept this meanes of reconceiliatioun which now is to be offerit unto yow; wherein no man sall more joy than I,

Your verie loving Friend,  
HAMILTON.

\* Burnet, p. 124.

† Edinburgh Town Council Record.



1639.—May 3.

22. *Letter from the Provost, &c. of Edinburgh to the Marquis of Hamilton, in answer.*\*

PLEASE YOUR GRACE,

We, his Majesties humble and loyall subjectes, doe, with all thankfulnes, acknowledge that His Majesties caire to this his native Kingdome hes bein more tender, and His Majesties proceedings more calme, then our enraged enemies, who have bein, by all meanes, seeking His Majesties dishonour, and owre utter ruine could have wyched. So are we heartilie sorie that the suggestiounes and informationes of our enemyes sould have prevailed so far with His Majestie, as that ourselfs or anie uther of His Majesties guid subjects should be compted so refractorie and disobedient as to have deservit that His Majestie sould make use of any powar or forces against us, who have bein seeking nothing bot the libertie of oure religion against novatiounes, and that all questiones might be determined by a Nationall Assemblie and Parliament, both which were gracioslie indicted be His Majestie, and have bein doing nothing bot using preparatiounes for our lawfull and necessar defence against threatened invasion and hostilities. We are glaid that your Grace is come hither as His Majesties Commissioner, to accomodatt effaires in a peaceabill way, which is the desyres of oure hearts, and seemes to ws not onlie possibill bot easie. Bot we are heavie greived that your Grace sould come against this your native countrey in such ane hostile way as may rather provoke then pacifie, and does pretend that the Kingdome will be moved to doe more for feir of violence, then from trew loyalitie and conscience of that dewtie we ow to our dread Sovereigne under God. Nothing can be requyred of us for ourselfis, who have the honour to be the chieffe cittie of this His Majesties Kingdome, or for the Communes, so far as our creddeitt and powar can reache, or for giving good exemple to uthers in receaving His Majesties gracious pleasure and iust commandments, with all humble and thankfull obedience, which sall not be to the full and most cheirfullie performit. Bot when we have doone the dewtie of gud and loyall subjects which (nixt unto oure dewtie to God Almichtie) hath beene our cheifest caire, and whairof we have given all proofes and exemplarie evidences if it sall come to pas (which the Lord of his mercye prevent) that innocent blood salbe sched, then hath y<sup>e</sup> curse cum on them, and the burdein wherof, the consciences of those who haith bein either the principall causers, or the beginners, or the fomenters, of those present troubles; for, as we have, in this cause, a guid conscience before God, and nevyr meant evill to any man, far les to our King, which is oure gritt confidence and comfort, so we ar assent to be approven of all just and good men, who ar not ignorant of our proceedings, and of the necessarie causes of our intendit defence. Your Grace knowes weill what fals calumnies hes bein spred against us, and we call to God of Heaven and earth to witness; and how the wayes of grace, information (all which have bein assayed by the Nobilitie, Barrones, Burgessses, Ministers, and Commouns, heir, by whose speciall advyse we have sent this answer unto your Grace, and who have warranted us to make knownen their mynd with owre owne) hath bein stopped this lang tyme past. Humble and earnestlie intreating, in thair name and our awin,

\* Edinburgh Town Council Record.

that your Grace vald be pleased to convey to His Majesties cares the trew estaitt of matters as they stand, and the guid meaning of the honest and loyall hearts of us His Majesties subjectes: which will no doubt prove a mor readie meane of reconciliation then all the terrors under heaven, and which will obleice us to prove, to the uttermost of our power.

Your Graces trew and humble Servands.

1639.—May 8.

23. *Letter from the King to Hamilton.*\*

HAMILTON,

The length of Henry Vane's Dispatch will shorten this, not being willing to trouble my self with writing, nor you with reading of Repetitions. This I must observe to you, that whatsoever either he or I writes at this time is, no absolute Command, but merely Advices to help your Knowledge, that you may the easier judge what is best for my Service: Upon this ground I send you here a Discourse of Mr Thomas Hamilton's, wherein many things to my seeming are very well said, but how far practicable, or when, I leave yon to judge; as likewise upon the whole matter I give you my Opinion, that if yon find it not fit to land all our 5000 men upon Lothian-side, then it may be counsellable to send most of your Land-men to the North, to strengthen my Party there. As for your landing in the South, I shall onely name two Places besides Tentallon, to wit, Sterlin, (if that be not too far off to be relieved) and Dumbar: as for Tentallon, I shall command the Marquis of Douglass to send one to agree that business with you. So longing to hear from you, and wishing you good luck, I rest

Your assured constant Friend,

CHARLES R.

Newcastle, May 8, 1639.

1639.—May 9.

24. *The Nobilitie of Scotland, their Supplication to the King.*†

MOST SACRED SOVERAIGNE,

Be graceouslie pleased to hearken unto the humble Supplication of the Subjects of your ancient and native Kingdome of Scotland, still prostrat at the feete of your Majesties clemencie and myldnes; shewing that, as there is nothing so greevous unto us and everie ane of us as your Majesties heavie displeasure, conceaved against us this tyme past, which maketh us, in the trueth of our hearts and in all humilitie, to deprecat your Majesties wrath; so nothing under heaven can revive and refresh us so much as that the sweet rayes of the light and love of your Majesties countenance should, in the wonted comfortable maner, schyne upon us and this whole kingdome. In this we are most unhappie, that we want the comfort of your Majesties personall presence, and that your gracious accesse, which the meanest of your subjects find there. Lett us humble begg that your Majestie may suffer your graceous favour to triumph over the severitie of your indignation; and if it may be your Majesties good pleasure to keepe the Parliament, graceouslie indicted by your Majestie, for putting a finall determination to all our troubles, whither in your owne royall persone, which is the earnest desire of our hearts, or by your Majesties High Commissioner,

\* Burnet, p. 127.

† Folio MS., f. 66.



quherein we shall labour to give your Majestie just content, as becometh duetifull subjects, We are fullie assured that no act hath proceeded from your Majesties goodnes and Justice which shall make your name more glorious in the sight of the world, us more blessed in ourselves, and more cheerful to continow in all loyaltie and obedience, and to pray more heartlie for your Majesties long and prosperous raigne, and for the continowance of your princelie care over us to the end of the world.

1639.—May 9.

25. *Letter from Lords and Gentlemen of the Covenant to Hamilton.\**

PLEASE YOUR GRACE,

As we were here met to attend the Parliament indicted by His Majesty, there was shewed to us by the Provost of Edinburgh a Letter from your Grace to himself, and the Bailiffs, and Council of this City, with the Copy of theirs returned to your Grace, deferring the more full Answer till our Meeting. And withall there was presented from your Grace His Majesties Proclamation, which having perused, we find it doth contain divers points not onely contrary to our National Oath to God, but also to the Laws and Liberties of the Kingdom: for it carries a demneiation of the high crime of Treason against all such as do not accept the Offer therein contained; albeit it be onely a Writing put in Print without the Kingdom, and not warranted by Act and Authority of the Council, lawfully convened within this Kingdom. And your Grace in your Wisdom may consider, whether it can stand with the Laws, Liberties, and Customs of this Kingdom, that a Proclamation of so great and dangerous Consequence, wanting the necessary Solemnities, should be published at the Mercat-cross of this City. Whereas your Grace knows well, that by the Laws of this Kingdom, Treason and Forfeiture of the Lands, Life, and Estate of the meanest Subject within the same, cannot be declared but either in Parliament, or in a Supreme Justice-Court, after Citation and lawful Probation, how much less of the whole Peers and Body of the Kingdom, without either Court, Proof, or Trial. And albeit we do heartily and humbly acknowledge and profess all dutiful and eivil Obedience to His Majesty as our Dread and Gracious Sovereign: yet since this Proclamation does import in effect the renouncing of our Covenant made with God, and of the necessary means of our lawful Defence, we cannot give Obedience thereto, without bringing a Curse upon this Kirk and Kingdom, and Ruine upon our selves and our Posterity; whereby we are persuaded, that it did never proceed from His Majesty, but that it is a deep Plot contrived by the Policy of the Devilish Malice of the known and cursed Enemies of this Church and State; by which they have intended so to disjoyn us from His Majesty, and among our selves, as the Rupture, Rent, and Confusion of both, might be irreparable, wherein we hope the Lord (in whom we trust) shall disappoint them. And seeing we have left no means possible unessayed, since His Majesties coming to York, (as before,) whereby His Majesties Ear might be made patent to our just Informations, but have used the help (to our last Remonstrance) of the Lord Gray, the Justice-Clerk, the Treasurer, and the Lord Daliell, as the Bearer can inform your Grace, and yet have never had the happiness to

attain any hopes of our end, but have altogether been frustrate and disappointed thereof; and now understanding by the sight of your Graces Letter, that your Grace as His Majestys High Commissioner is returned with full Power and Authority to accommodate Affairs in a peaceable way, we will not cease to have recourse to your Grace, as one who hath chief interest in this Kirk and Kingdom, desiring your Grace to consider, (as in our Judgments we are persuaded,) that there is no way so ready and assured, to settle and compose all Affairs, as by holding of the Parliament according to His Majesties Indiction, either by His Sacred Majesty in Person, which is: our chiefest desire, or by your Grace as His Majesties Commissioner, at the time appointed, wherein your Grace shall find our Carriage most Humble, Loyal, and Dutiful to our Sovereign, or to your Grace as representing His Majesties Person: and in the mean time that your Grace would open a safe way, whereby our Supplications and Informations may have access to His Majesties Ears. And we are fully persuaded, that we shall be able to clear the Lawfulness and Integrity of Our Intentions and Proceedings to His Majesty, and make it evident to His Majesty, and to the World, that our Enemies are Traitors to the King, to the Church and State; and that we are and ever have been His Majesties Loyal and Obedient Subjects. So we rest

Your Graces humble Servants,

A. Leslie,	Dalhousie,	Forrester,
Argyle,	Lothian,	Erskins,
Marre,	Angus,	Boyd,
Roths,	Elcho,	Napier,
Eglinton,	Lindesay,	Burghly,
Cassils,	Balmerino,	Kirkudbright,
Wigtown,	Montgomery,	

And about 30 Commissioners for Shires and Burroughs.

Edinburgh, 9 May, 1639.

1639.—May 10.

26. *Answer to the above, addressed to Roths.\**

MY LORD,

I Received a Letter yesterday morning signed by your Lordship, and divers Noblemen, and others, wherein you alledge you are come to attend the Parliament; but considering your Preparation and Equipage, it appears rather to fight a Battel, than to hold a Civil Convocation for the good of the Church and Commonwealth. You may perceive by His Majesties Gracious Proclamation, that he intended in His Own Sacred Person to be present at the Parliament, so soon as with Honour and Safety he might doe it, and for that end exprest therein what was fit to be done. But these Courses which you take, and your Disobedience to his Just Commands, daily more and more shewed, will necessitate him to have them put in execution another way.

It is true that His Majesty sent me hither to accommodate these Affairs in a peaceable manner, if it were possible, which I have laboured to doe; and accordingly my Department hath been, which hath been met with that Retribution, as if I had met with the greatest Enemy: but your refusing to publish His Majesties Grace to his People, signified in his Proclamation, hath taken away that Power which otherwise I had; that being a Liberty taken to your selves, which never any Loyal Subjects

\* Burnet, p. 125.

\* Burnet, p. 126.



assumed in any Monarchy. You alledge many Reasons for your selves, of the Illegality of that Proclamation; but you cannot be ignorant, that your Carriage hath forced many of these principal Councellours for safeguard of their Lives to forsake the Kingdom, out of which they remain yet for the same cause. You have suppressed the Printing of all Writings, but what is warranted by Mr Alexander Heuderson, and one Mr Archibald Johnstown; neither was the Clerk of the Council, whom I sent for twice to give him Directions concerning this Business, permitted to come aboard to me, upon conference with whom (for any thing you know) I might have resolved to come ashore my self, and convened a Council for the Publication thereof in the ordinary way. But your extraordinary Proceedings in all things must needs force from His Majesty some things, which perhaps you may think not ordinary. Whereas you desire me to be a means that your Supplications may have free access to His Majesties Ears, it is a work of no difficulty; for His Majesty hath never stopt his Ears, to the Supplications of any of his Subjects, when they have been presented to him in that humble and fitting way which became dutiful Subjects: nor did I ever refuse any all the time I was among you, or conceal any part of them from His Majesty. So that your Allegation of not being heard, is grounded upon the same false Foundations that your other Actions are; and serves onely for a means to delude the simple People, that by making them believe what you have a mind to possess them with, they may become backers of your unwarranted Actions; which as it is generally lamented by all His Majesties good Subjects, so it is more particularly by me, who have had the Honour to be employed in this Business with so bad Success. My Lord, Your humble Servant,

HAMILTON.

1639.—May 10.

27. *Missive from the Council and Session to the Commissioner.\**

Apud Edinburgh, decimo Maii 1639. Sederunt. Argyle, Mar, Perth, Wigton, Galloway, Lauderdale, Southesk, Naper, Aduocat, Tre<sup>r</sup> Deput, Sir Robert Gordoun; Togider with the Lords of Session underwritten, viz. Durie, Innerpeffer, Balcomie, Foveraine, Cranston-riddel, Scotstarvet, Eskbanke.

The Lords nominats and appoints John Earle of Perth to be President at this meeting.

The whilk day the Lords of Secreit Cousell and Session abonewritten, ordained ane missive to be written and directed to James Marquis of Hamilton, his Majesties Commissioner, quhilk was accordingly done, of the tenor following:—

Please your Grace,—We of His Majesties Secreit Counsell and Session, being jointlie convened in this lamentable estait of Kirk and Kingdome, to consider on some fitt and convenient way for averting the evils hanging over this countrie, whilks to our great greefe are too farre advanced, have thought it incumbent to us, in our dewtie, to acquaint your Grace, who represents his sacred Majestie as his High Commissioner, that our intention is, if your Grace will be pleased to allow of this motion, to appoint some of our number to confer with your Grace concerning this bussines, and to advise with your Grace if anie faire way can be

found out for accommodation of the same, quhereof if your Grace be pleased to allow, we doe expect to be advertised be your Grace of the time, place, maner, and way of their wise addressc. Whereanent expecting your Graces Answer, we rest, &c. Ed<sup>r</sup>, 10 May 1639.—*Subscribitur* Argyle, Mar, Perth, Wigton, Galloway, Lauderdale, Southesk, Naper, S<sup>r</sup> Thomas Hop, Ja. Carmichael, S<sup>r</sup> R. Gordoun, H. Gibsone Fletcher, Balcomie, S. G. Halyburtoun, Cranston-riddel, Scotstarvet, S. Pa. Nisbet.

1639.—May 11.

28. *The Commissioner's Answer to the Council.\**

Apud Edinburgh, undecimo Maii 1639.

Sederunt ut die predict.

The whilk day the Missive Letter underwritten, direct frome the Marquis of Hamilton, his Majesties Commissioner, to the Lords of Secreit Counsell and Session abovewritten, was produced before the saids Lords and read in their audience, of the whilk the tenor followes:—

My Lords,—I receaved this morning your Lordships Letter, and sall be verie willing to embrace all faire occasions which may tend to the accommodation of this unhappie bussines, as ane who, in all my proceedings, both before and since my coming thither, have given sufficient testimonie thairrof. Your Lordships being Counsellors and Judges, ought to be als carefull of what may concerne His Majesties honuour as myselfe; so I hope no motion will proceed from yow that sall tend to the diminution thereof: And if upon Monday, betimes in the morning, any sall come so instructed frome yow, aboard of this ship, I sall speidilie by thame returne such ane answer as is fitting for me His Majesties Commissioner to yow; so I rest, &c., *Subscribitur*,

HAMILTON.

Frome aboard the Rainebow, }  
in Leith Roid, the 11 of May 1639. }

Whilk Missive being heard and considert be the saids Lords, they have nominat, and, be the tennor heirof, nominats David Earle of Southesk, and Sir Andro Fletcher of Innerpeffer, Knight, to goe aboard his Majesties ship callit the Rainebow, wherein his Majesties Commissioner is for the present, and there to confer with his Grace anent such things as may best conduce to the accommodation and settling of the present troubles wherewith this countrie is threatened.

1639.—May 11.

29. *Ane Letter from the Nobilitie of Scotland to the Earle of Hollands.†*

OUR MOST NOBLE LORD,

Although we have bein, at all occasions, using the best meanes by such as were entrusted iu his Majesties directions and commands, to give his Majestic true information of the equitie and neces-

\* Privy Council Record. There are other Acts of Council relative to these matters—one on the 13th May, anent the fencing of Parliament (which was called for the 15th), and adjournment thereof to the 23d of July—and another on the 15th, in which it is recorded that the Lords of the Covenant had refused passports to Sir Tho. Hope and Sir Ja. Carmichael to go to the King; but these it is unnecessary to give. The meeting of Parliament was afterwards prorogued from time to time till November following.

† Folio MS., f. 67.

\* Privy Council Record.



sitie of our proceedings, from the verie beginning to this present tyme, yett hath the successe beene so badd, that all our dealling hath bein misconstrued and perverted quyte contrare to our meaning and desires, not only to the increasing of prejudices betwixt the Prince and his people here, but also to the raising of a quarrell betwixt the two nations, which was als farr from our expectation, as from our intentions and deserving. This hath made us at last to wearie of the mediation and meddling of our owne countrie men in these effaires; and as we did beginne with the Earle of Essex, then being at Berwick, so doe we now continue with your Lordship in clearing our loyall thoughts to our Prince, and our duetifull respects to our neighbour nation; and to tistifie how readie we are to stoupe to the smallest occasions serving for that end, the bearer Dr Johne Moiesley as a witnesse, who, although he became hither rather by tolleration then any command or commission, (as he declares,) yet his zeale and good affections to the publie peace of both nations we doe commend, and his privat endeavour to imploy himselfe in so good a worke shall not want from us the oure encouragement, the rather that he hath made honourable mention to us of your Lordships particular affectiones to the continuance of your common peace; of whose disposition in the generall we were fullie assured before. We would, therefore, make knowne to your Lordship, and all others of the like noble disposition, and, if it were possible, to all the good subjects of England, that, as we have beene, we are still verie farre from wearying of Monarchical Government—from the thoughts of laying aside that of obedience, which we owe to our King and dread Sovereigne—from any intention to invaid England, quibich are so foule faults and haynous transgressions, as that we would not once have mentioned them, but that they have beene the false imputations of evill men against us, labouring thereby for their owne base ends, to worke our hinderance in obtaining our just desyres, which have beene and are no other but that we may peaceablie enjoy our religion and the liberties of our countrey, according to the lawes; and that all questiones arising from these may be determined by Parliaments and Nationall Assemblies. That is it for which we have petitioned, covenanted, and consecrated our lives, and what in this world be dearest unto us, which we trust your Lordship, and all others noble, wise, and just men will judge to be most equitable, and for which no nationall quarrell can justlie arise—the Kirk Constitutions, and civill lawes in divers Kingdomes being different, and we being also farr from impugnig the religion and liberties of other nations, as we are carefull to maintaine our owne; and knowing that the common rule of equitie hath place with your Lordship—"quhatsoever ye would that others did to yow, doe yow even so to them."

We have also sent with the bearer a double of that Supplication, which we are to send aboard to the Marquis of Hamilton, that if it be possible by the Moderation of your Lordship, and of other Noble Lords, to whom we have written in lyke maner, presenting the same, His Majestie may be pleased to heare us at last and graunt us our desires, which shall tend to his Majesties great glory, bring an end to all our questions to our mutuall rejoicing, make the blessed Instruments of so good a worke to be thankfullie remembered by the Posteritie when they enjoy the fruites thereof, is the earnest request of

Your Lordships friends and Servands.  
Edinburgh, 11 May 1639.

Your Lordship may be pleased to acquaint any other of the Counsell of England whom your Lordship thinks fitt.

1639.—May 13.

30. *Letter from the King to Hamilton.\**

HAMILTON,

Having been some days since I wrote to you, I could not let my Lord Aboyne go without these Lines, though it be rather to confirm than to addo to my two former: onely I shall desire you to take heed how you engage me in Money-expeuce. As for what Assistance you can spare him out of the Forces that are with you, I leave you to judge, and I shall be glad of it if you find it may doe good. The trnth is, that I find my state of Moneys to be such, that I shall be able (by the Grace of God) to maintain all the Men I have afoot for this Summer; but for doing any more I dare not promise: therefore if with the Countenance and Assistance of what Force you have, you may uphold my Party in the North, and the rest of those Noblemen I have sent to you, I shall esteem it a very great Service; but I shall not advise you to engage me in further Charge, except it may be the Pay of some few Officers. So not doubting but that you will make as much of little as you may, and recommending this Lord to your care, I rest

Your assured constant Friend,

CHARLES R.

Newcastle, 13 May, 1639.

1639.—May 13.

31. *Letter from Rothes to Hamilton.†*

PLEASE YOUR GRACE,

I should have been far better contented to have seen you here at the Parliament with His Majesty, or holding that indicted, as His Majesties Commissioner, thau with a Navy and Army to constrain us beyond these just limits of Religion and lawful Obedience, which we were always willing to perform. It was far by my Expectation, and your Graces Oath and Promise, that you should ever come in any chief Command against your Native Country. Whereas your Grace doth challenge our coming in such numbers to attend this Parliament, I hope you conceive that this Navy and Army upon the Borders, and the Invasion threatened in the West, do sufficiently warrant our Preparations to defend these places, and divert such dangers. That Proclamation that is said to carry so much Grace and Goodness, is as destitute of that, as your Invasion is of a good Warrant; which persuades me, that neither of the two proceeds from His Majesties own Gracious Disposition. I cannot stand here to answer all these misconceived particulars, contained in your Graces Letter; but if I had the Honour to see your Grace, before any more mischief be done, I dare engage my Honour and my Life, to clear all these Imputations laid on our Proceedings; and I can demonstrate how hardly we have been used without any just reason. I dare not be answerable to God Almighty, and to that Duty I owe my Prince and Country, if I do not shew your Grace, that your going a little further in this violent and unjust way will put all from the hopes of Recovery, for which both a great deal of Blame from Men, and Judgment from above shall attend you, as the spe-

\* Burnet, p. 136.

† Ibid, p. 129.



cial Instrument, which I wish you labour to evite. If our Destruction be intended, we are confident in that Majesty who owns this Cause, and is able to defend it: and if onely Terrours to fright, and prepare us to accept of any Conditions will be offered, that Intention is already as far disappointed as any of these many former. But as we are ready to defend, so ever to insist in supplicating, and using all humble and lawful means, as becomes us. Mr Borthwick will deliver to your Grace our Supplication to His Majesty, and both his and my mind, till I shall have the occasion to disburden my self surcharged with grief at your Proceedings; being most desirous (as I have been formerly) to have all these occasions removed that may divert me from being still

Your Graces humble Servant,  
ROTHES.

1639.—May 14.

32. *The Kings Proclamation at New Castle.\**

CHARLES, be the Grace of God, King of Scotland, England, France, and Ireland. To our loving Subjects, whom it shall or may concerne, greeting. Whereas we are thus farr advanced in our Royall persone with our army, at the attendance of our Nobilitie and Gentry of this Kingdome, and intends shortlie to be at our good Towne of Berwick, with purpose to give our people of Scotland all just satisfaction in Parliament, as soone as the present disorders and tumultuous proceedings of some are there quyeted, and will have a fair way of comeing, like a graceous King, to declare our good meaning to them; but finding some caires of impediment, and that this nation doth apprehend that (contrare to our professions) there is ane intention to invade this our Kingdome of Scotland: We doe, therefore, to cleare all doubts that may breed scruples in the myndes of our good subjects of either Kingdomes, reiterat this our just and reall protestation, That if all civill and temporall obedience be effectualle and tymelie given and shoven unto us, we doe not intend to invade them with any hostilitie. But if they shall, without our speciall auctoritie and command, raise any armes, troupes, and draw them downe within ten myles of our Borders in England; and in that caice, doe expresslie command the Generall of our Army, and our Superior Officers of the same respectively, to proceed against them as rebelles and invaders of this our Kingdome of England, and to the uttermost of their power destroy them, in which they shall doe ane singular service both to our honour and saiftie. Given at our Court at New Castle, the 14 day of May 1639, the 15 yier of our Reigne.

1639.—May 14.

33. *Heads of Treaty suggested by Hamilton to Sir Harry Vane.†*

I. If they can be brought to lay down their Arms, and every man to repair in quiet manner unto their own Dwellings, except such who are to attend the Parliament.

II. If they can be brought to deliver up Your Majesties Castles, and other private mens Houses they have taken, with the Arms and Ammunition they have taken.

III. If they can be brought to express their

\* Folio MS., f. 68.

† Burnet, p. 131.

Sorrow, that they have offended Your Majesty, and humbly crave Your Majesties Pardon for the same.

IV. If they can be brought to supplicate, that what they have to say against Bishops may be heard in the next Parliament; and as their Desire shall seem just or unjust, there to receive Ratification or Denial.

V. The like for the last pretended General Assembly.

VI. If they in all Civil things will acknowledge Your Majesties Authority, and swear Obedience to the same.

VII. If they will desist from their going on in their Fortifications, and they onely to remain in the estate they are in till the end of the Parliament. Though there is little hope of doing good by Treaty, or that they will condescend to this; yet I thought it my duty to give Advertisement of this, and humbly to crave Answer and Orders in writing, how far I shall give way, and how I shall carry my self.

HAMILTON.

I shall desire that none may see this but His Majesty, or, at least, that it be not known that it came from me.

1639.—May 16.

34. *The Nobilities Supplication to the Commissioner.\**

PLEASE YOUR GRACE,

As we have assayed this tyme past, by divers supplications and many other meanes, to give our graceous Sovereigne all lawfull satisfaction, so doe we most especiallie esteeme ourselves oblidge at this tyme to eudeavour the same, and most earnestlie to deprecate his Majesties indignation, even to prove these preparations we have now readie, for our lawfull and necessar defence, to be for no other end. And we doe now expresse—not moved with fear, but with the sense of duetie—that our hearts have been and are free of all disloyaltie and disobedience whatsoever to our graceous Sovereigne, and least our hope of a happie, peaceable, and contented conclusion, be interrupted by the mischeefe that may arise from the stoppe of trade, and injuries done by the fleete lying here, or by the armies that will ly so near upon the Borders, we earnestlie beseech your Grace to medeat with His Majestie, and that so seriouslie and speedilie, as all thir threatened evils may be prevented; and, in the meane tyme, the country may be secured from all such dangers as we have entrusted the bearer more particularlie to relate to your Grace; and herein we wishe your Grace that successe which may tend to the glorie of God, the honour of His Majestie, the good of this Kingdome, the remembrance of your Grace in after ages, as ane happie instrument, and the present oblidge to a thankfull remembrance by us, who humbly crave your Graces answer.

1639.—May 17.

35. *The King's Answer to Hamilton's Proposals.†*

HAMILTON,

I have kept this honest Bearer the longer, that I may with the more assurance give you my Directions what to doe, consisting of two points, Fighting and Treating: for the first, we are still of the same Opinion, that it is not fit that you should give on untill I be on the Borders, which will be (by the

\* Folio MS., f. 67.

† Burnet, p. 131.



Grace of God) by this day eight days, except you find that before that time they march down to meet me with a great Strength. In that case you are to fall on them immediately, and in my Opinion as far up in the Frith as you think probably may doe good, thereby to make a Diversion. In the mean time I like well, that you go on upon that ground of Treaty you sent a Note of to Master Treasurer, (which you will find I have underwritten,) no body else being acquainted with it.

Thus having given you my Directions both concerning Fighting and Treating, I leave the rest to the faithful Relation of the honest Bearer, and rest

Your assured constant Friend,  
CHARLES R.

Newcastle,  
17 May, 1639.

1639.—May 17.

36. *Answer by Hamilton to Rothes.\**

MY LORD,

I have received your Lordships Letter signed by you, but I cannot conceive it of your Lordships enditing; for I believe you would not have sent such an one to me, if you had not had some malignant spirits busied in the framing of it; for you cannot but remember that my words were never other, than that I would die at my Masters feet, and that I would prove an Enemy to the uttermost of my Power to this Kingdom, if my Countrymen continued in their Obstinaey: and here I set it under my Hand, that I will (by Gods Grace) make it good. It is true, knowing my own inability, I neither desired, nor indeed willingly did accept, the Conduct of an Army against this Nation: but my backwardness proceeded not out of a desire not to be employed against such in this Country as were disobedient, but that His Majesty might have found many more able to have served him: but since he hath been pleased to trust me, I will not deceive him.

You pass by many particulars in your Answer to my Letter untouched, saying, you cannot stand here to answer them. It is most true, they are not to be answered, and so I take it. As for your own Justification, it is the same which you have ever used, and so continue: but the best is, none that ever were truly informed of your Proceedings, doth or can give any approbation of them.

You say, If I go any further in a violent course, it will be past all hope of Remedy. If I doe, none can blame my Master, for that can never be called Violence which is onely to suppress Rebellion: and if I proceed to execute his Commands therein, you are the causers of it. As Mr Borthwick told me, I expected to have heard further from you before now: but nothing coming, I would forbear no longer to give you this Answer under my Hand, that both you and all the world may take notice what my Inclinations are, which notwithstanding I do infinitely desire they may be stopt by your speedy and real Submission to His Majesties just Commands. And this is the prayer of him who wisheth it may be still lawful for him to call himself

Your Lordships humble Servant,  
HAMILTON.

From aboard the Rainbow,  
27 [17] May, 1639.

\* Burnet, p. 130.

1639.—May 21.

37. *Letter from the King to Hamilton.\**

HAMILTON,

I Cannot let these Lords go without a Letter, it being more to please them than to inform you; there having nothing happened since my last of the 17<sup>th</sup> that makes me either alter or take new Counsels: so that this is onely to recommend them to your care, in so far as may comply with my Service; which shews you both my good Opinion of them, as likewise that I am

Your assured constant Friend,  
CHARLES R.

Newcastle, 21 May, 1639.

1639.—May 22.

38. *The Earle of Hollands Letter to the Nobilitie of Scotland.†*

As it hath beene my fortune to receive great expression from you of your disposition of your loyaltie and duetie to his Majestie, so it is now to give your Lordships ane occasion to shew it, by obedience to his Majesties proclamation; which, asking but civile and temporall obedience from his naturall Kingdome, having beene borne in the bowells thereof, I must beleive, by the most earnest professions of love and duetie to him, and lykewise by the enemie of your great tyds, that so much ought to serve that created him Monarche, your Lordships will most joyfullie and readilie submit to that which in his sacred and powerfull way, as thus demanded from yow. By which meanes ye may not onlie avoide that name ye professe so litle to deserve, but also shune in all your particulars the inconveniences of it, with these of the publick, threatened in the destruction of these Kingdomes, which are so interested in the saiftie and prosperitie of each other, as their differences will appeare as unnaturall towards ourselves, as it may prove unfortunate. The fulnes of my heart upon this occasion, makes me say more then is propper for me, since I am rather to obey in this service then to advise.

My Lords,

I am your Lordships humble Servant,  
From my quarter, HOLLANDS.  
22<sup>d</sup> Maii, 1639.

To the Comittie at Edinburgh.

1639.—May 22.

39. *Letter from the King to Hamilton.‡*

HAMILTON,

Rumours come here so thick, of the great Forces that the Rebels mean very shortly to bring down upon me, that I thought it necessary to advertise you, that you may be ready at the first Advertisement to land at the Holy Island, wind and weather serving; yet not to come from where you are untill I send you word, except you shall find it necessary by your own intelligence: and so I rest

Your assured constant Friend,  
CHARLES R.

Newcastle, 22 May, 1639.

POSTSCRIPT.—I leave it to your Consideration, if it be not fit to leave some 300 Men in Incheolm,

\* Burnet, p. 135.—This letter refers to Aboyne and others.

† Folio MS., f. 69.

‡ Burnet, p. 133.



though it should be fitt that you should come away with the rest of the Landmeu.

1639.—May.

40. *A Letter from Scottish Nobles sent to the Noblemen and Counsellours in England.\**

MOST NOBLE LORDS,

Although we have bein labouring this long tyme past by our Supplications, Informations, and Missives to some of your Lordships, to make knownen to his Majestie and the whole Kingdome of England, the loyaltie and peaceablenes of our intentions and desires, and that we never meant to deny to his Majestie, our Sovereigne and native King, any poynt of temporall and civile obedience, yet, contrarie to our expectation and hopes, matters to this day growing worse and worse, both Kingdomes are brought to the dangerous and deplorable condition wherein they now stand in the sight of the world. In this extremitie we have sent to his Majestie our humble supplication, (besides which know none other meanes of pacification,) and doe most earnestlie intreat that it may be assisted by your Lordships, that, if it be possible, by a meeting, in some convenient place, of some pryme and well-affected men to the reformed religion, and our common peace, matters may be accommodat in a fair and peaceable way, and that so speedilie, and with such expedition, as, through farder delayes, which we see not how they can be longer indured, our evils become not incurable. We take God and the world to witnes, that we have left no meanes unassayed to give his Majestie and the whole Kingdome of England, all just satisfaction, and that we desire nothing but the preservation of our Religion and Lawes. If the fearfull consequents shall ensue, which must be verie neare, except they be wiselie and speedilie prevented, we trust they shall not be imputed unto us, who, till this tyme, have been following after peace, and who doe, in everie duetie, most ardentlie desire to shew ourselves his Majesties faithfull Subjects, and

Your Lordships humble Servants, &c.

1639.—May 23.

41. *The Marquis of Hamiltons Letter to the Earle of Rothes.†*

MY LORD,

I have received a letter, signed by my Lord Lindsey, not of many lynes, yet full of injuries; and sure it was in such a straine as is not fitt for a Subject to write to the Kings Commissioner, and deserves no other cause but this, that his follie hath transported him beyond his duetie. The article which he mentions, I find to be none other than unjust complaiuts underwritten by your Lordship, and some other, written to no other end, as I conceive, but to justifie disloyall proceedings, and to accuse us of things quhich are notoriouslie false, quhich, to confute, I hold it altogither unnecessar, though verie easie to be done; and so much the more since ane answer is so premtourilie required. This is not the way to bring the bussinesse to that peaceable conclusion which yow seeme to desire; wherefore, leaving these wayes, if peace it be yc would have, and comeing in that maner as becomes subjects to come to their Sovereigne his Commissioner, I shall then not only receive your petitions,

\* Folio MS., f. 74.

† Ibid, f. 70.

but willinglie contribute my best endeavours with my Master, so farre as may stand with his honour and my duetie, for his graceous receaving yow into his favour, and establishing a future peace in the land, which, if it be also heartilie desired of yow as it shall be reallie laboured for by me, I have no doubt of the good successe. So I rest, desirous yet to continow.

HAMILTON.

From aboard the Rainbow,\*  
in Leith Road, 23 Maj, 1639.

1639.—[May.]

42. *A Letter written from Sir James Carmichael and Lord Southeske to the Nobilitie of Scotland.†*

We propounded to His Majestie according to the desires we had from yow, that yow might be admitted to come to His Majestie, to shew to his Majestie the trueth of things, and withall deprecate His Majesties wrath; quhilk motion of yours is not thought fitt, at this tyme, to be hearkened unto; yet His Majestie is so tender of the good of that his antient kingdome, that if yow come warranted from them by whom his auctoritie hath, in so high a measure, many wayes suffered, with such a submission as becomes duetifull subjects, he is most graceouslie pleased that yow come, and he will not barre his cares from any reasonable sute of any his good subjects, in such a way. And, therefore, yow are to consider with yourselves whither yow can bring any propositions that are worthie of his hearing, quherby they may shew themselves duetifull subjects, as, upon good grounds, may make show himself a graceous Prince, quhich, if it can be deserved, he is verie desirous to doe. Sic sub<sup>r</sup>.

SOUTHESKE.

JA. CARMICHAEL.

1639.—May 25.

43. *The Nobilities Letter to the Earle of Holland.‡*

OUR NOBLE LORD,

As nothing can be more acceptable unto us then to heare that his Majestic were pleased to give just

\* The name of the vessel whence this letter bears date, seems to have suggested the following effusion in verse, which, if it do not equal Thomas Campbell's lines on the same theme, in poetical beauty, has, at least, a priority in point of time to recommend it.

VERSES UPON THE RAINBOW.

*By Mr Patrick Hamilton, Minister of Cambuslang.*

The Rainbow was to man a signe of peace:  
This doth portend much blood—no sign of grace.  
God's Rainbow stay'd the floods—O greatest wonder!  
This threatens to burn us all with fyric thunder.  
What greife!—that He was hop't to grace our land,  
Should, to destroy it, in his Rainbow stand!  
Lord, either make his Rainbow like to the,  
Or, under Thyne, let us sure shaddowed be.  
Thyne reaches so long owre heaven, air, earth, sea—  
This but a blast, and bounded is by The:  
Tyme rotts the ane: Thyne doeth remain for ay,  
Proclaiming peace unto thy saints alway.  
Man's Rainbowe's collar's red, and full of fyre;  
Thine whyte, blew, red—signes of thy quenched ire.

† Folio MS., f. 71.

‡ Folio MS., f. 69. This is an answer to a short and general but very kindly letter from the Earle of Holland, dated 22d May.



satisfaction unto us and all his good people, so shall we ever be willing, with all due respect, to remember and to honour all such as shall be so happie as be mediators to procure the same, which we acknowledge to be yours at this tyme; and, for our parte, shall, to the uttermost of our power, render all civile and temporall obedience to his Majestie, als tymelie and effectuellie as may be, with the safetie of our lives and safetie of the countrie. And, therefore, as we doe humbly intreat, and certaintlie expect, that his Majestie is willing to cleare all doubts that may breid scruples in the myndes of his good subjects of either Kingdome, will, in his justiee, recall all his forces by sea, which are here lying within our bosome, to our great hindrance—will recall our arreasted schippes in his Majesties uther dominions—will remove his armies from the Borders, for our securitie—and will be graciously pleased to give farder signification of his Majesties will for accomodation of affaires in such a peaceable way, whether by the conference of some prynde and well-affected men of both nations, or any other meanes, (which we presume not to preseryve,) as may prove more powerfull then any thereof, already assayed, hath done: So doe we presently resolve, in all humilitie, to doe his Majesties will, in keeping our armies within the bounds of his Majesties limitation, and to performe all things we can conceave may conduce for our owne common peace.

The speedie effectuating of this on both sydes, as your Lordship knowes, to be his Majesties honour. So doe we knowe it to be the will of his Majesties Kingdome now in armes, whose present condition is such, that it cannot longer delay; and all men who looke upon us will pereeave to be the scattering of that dark cloud which lings over the two Kingdomes. This blessed worke, if your Lordship, who hath begun so happilie, shall bring to passe, which, from the knowledge of his Majesties justice and goodnes, we suppose to be faseable be your Lordship and others who have access; and therefore intrust this Gentleman, Sir John Home of Blackader, Kny<sup>t</sup>, with farder information; then shall we yet be farder oblidge to prove

Your Lordships humble Servants.

Lochend, the 25 Maij 1639.

#### *Instructions.*

Yon shall shew to my Lord Holland—

1. The true estate of the question—Whether we shall be governed by Generall Assemblies in matters of ecclesiasticall, and by Parliament in matters civill, unto whose decision we have ever submitted ourselves, our persons, our cause, and proceedings; and albeit Proclamations be wrapt up in generalls of Religion and Lawes, the ground of both are condemned in particulars, as our Covenant with God and the Generall Assembly, whereof we cannot obtaine our ratification in Parliament?

2. That we never had intention, either to diminish his Majesties auctoritie and monarchie, or to invade our neighbour Kingdome, but only to defend ourselves in the maintenance of religion and our liberties.

3. That we have hitherto used all meanes possible, by supplications and informations, to cleare our intentions to his Majestie and our neighbour nation.

4. That, to shew our greatest testimonie of our willing obedience, after by proclamation we were declared rebellis and tratours, we most humbly renewed our Supplications, wrote to sundrie Noblemen of England, and most heartillie consented to the prorogation of the Parliament.

5. That the English nation hes now lyen this fourtnight in our Firth, stopping all tredd and comers betwixt this and any uther nation, takeing our schippes, boattes, and barkes, their goods and viutuals, and moneyes, deteining the men, both mariners and passengers, or forcing them to swear oathes contrare to our Religion and Lawes.

6. That many fastations and relations of our foull conspiracies (as they call them) are published to the world against us, and yet never ane of them suffered to come home to lett us know our accusations; that our estates be disposed to our tennents, and our lives subjected to all that would be rewarded for the takeing of them.

7. That, albeit it be strange that any forraigne army, after threatening our destructions, shall marche to our Borders, readie to come in upon us at their pleasure, and we, who intend and professe not to offend, but to defend ourselves, should be discharged from the bounds so lyable to barre invasion, yet, to give full satisfaction in everie poynt, are content to stay our armies upon assurance of the present removing of the Navie from our Frith, and armies from our Borders.

8. It is likelie that matters of so great importance as is now to be intreated upon, cannot so shortlie be brought to ane conclusion as necessitie requires, by interehanging of Letters and intercourse of messingers. It doth, therefore, seeme convenient that a conference were appoynted betwixt some of the Nobilitie of England and some of our Nobilitie in some convenient place upon the Border March, so speedilie as may be, which, doubtlesse, will prove the most comodious way to accomodat bussinesse shortlie.

1639.—May.

#### 44. *The Oath of Alleadgeance.\**

I, A B, doe swear, before the Almichtie God that I will bear all faithfull alleadgeance to my true and undoubted Sovereigne Lord, King Charles, who is lawfull King of this Island, and all other his Kingdomes and dominions, both by land and sea, by the laws of God and man, and by lawfull suecession; and that I will constantlie and chearfullie, even to the uttermost of my power and hazard of my life, constantlie oppose all seditions, rebellions, conspiracies, Covenants, conjurations, and treasons quhatsoever, raised up or sett by against his Royall Dignitie, crowne, or persone, under what pretence or eullour whatsomever; and if it shall come, were it under pretence of religion, I hold it more abhominable before God and man: and this Oath I take voluntarlie, in the true faith of a good Christian and loyall subjeet, without any equivocation or mentall reservation, in whatsoever frame, whilk I hold no power upon earth can absolve me in any parte.

God Save the King!

1639.—May 29.

#### 45. *Letter from the King to Hamilton.†*

HAMILTON,

Having much Business, I refer you to Master Treasurer; yet this I think necessary to pass under my own Hand, (because of a Clause in yours of the

\* Folio MS., f. 68.

† Burnet, p. 137.



26th of this Moneth) that I am so far from having the least hint in my heart against you, that I would think my self a happy Man, if I could be as confident in the Faith, Courage, and Industry of the rest of my Commanders and Officers, as I am of you ; which makes me really to be

Your assured constant Friend,

CHARLES R.

Berwick,  
May 29<sup>th</sup> 1639.

1639.—May 29.

46. *Heads of Conference betwixt Hamilton and some Covenanters.\**

The whole Discourse (so far as I can remember of it) may be reduced to these Heads.

Their Invitation of your Excellence to go in person to His Majesty, to present their Desires, and to mediate for an Accommodation.

To this your Excellence answered,

First, that having full power from His Majesty to treat and conclude of all things concerning that Business, you held it unnecessary to go to him.

Secondly, your Excellence thought it unfit, you having so great a Charge here, which required your presence, and they having propounded nothing that could give sufficient occasion to such a Voyage to undertake it.

Thirdly, that if the distance from His Majesty were thought by them to be a hindrance to the Treaty, they might address themselves to His Majesty by such of the Nobility as were about him, who was not distant above threescore and twelve miles from the Leaguer.

They replied, that things would be more facilitated by your Excellence's being there, wishing, that as you had a part in the beginning of these Affairs, you might have the Honour to put an end to them.

Your Excellence returned, that the Lords Traquair and Roxburgh, who were now with His Majesty, were employed in them before you ; which they acknowledged, but wished it had never been, confessing that they were spoiled before you had the managing of them.

Concerning a Cessation of Acts of Hostility, both by Sea and upon the Frontiers, where they complained of divers Insolencies committed by the Horse-troops of His Majesty ; your Excellence answered, That in what concerned the first, you had committed none since your coming hither : true it was, you had stayed and taken many Barques and Boats, but some of them you had dismissed without touching any thing that they had in them ; and these from whom you did take to supply your uses, you had paid them for it : that this day you had sent to Burnt-Island, and would doe so to other Places, to offer them full permission of Trade, provided they would swear not to carry Arms against His Majesty, and take the Oath of Fidelity ; and for the Fishermen you required no Oath.

As for the other, namely some pretended Insolencies upon the Frontiers, you knew of none, and believed not any ; and if there was any it was their fault, by their deferring to return to their Obedience to His Majesty : and when they made Instance in some particulars, your Excellence did cut them short, and said, That it was an unfit thing, and nothing conducive to make an end of Business, for

them to stand upon those Punetilios with their Sovereign ; and for your particular, you would never be an Instrument of any dishonourable Act to His Majesty, such as would be the engaging him not to correct the Misdemeanours of his Subjects : that you had made a like Answer when you was demanded for Pass-ports to those that should come to you ; which you had rejected, as judging it dishonourable for His Majesty to grant, or any of his Subjects to ask or capitulate with His Majesty for.

They pressed to know what His Majesty required of them, and what would be the extent of his condescending to their Desires in point of Conscience, namely touching Bishops, and the Acts of the last General Assembly ; wherein they said if they might have satisfaction, they would cast at His Majesties feet their Bodies and Fortunes, to be disposed of at his Pleasure.

In answer to this your Excellence caused me read His Majesties Proclamation, wherein desiring to be cleared of His Majesties Intentions, in the particular of the Civil Obedience, your Excellence said, it was the retiring with their Troops, laying down their Arms, and the Nobilities waiting on him with their swords onely upon the Frontier, the restoring of his Majesties Castles unto such as His Majesty should appoint, and the demolishing of their own Fortifications unlawfully erected, and the like.

As for the enjoying of Liberty of Religion, wherein likewise they did press to know how far His Majesty would condescend to their humble Supplications, as likewise in the point of the Acts of the last pretended General Assembly, your Excellence answered, It would be so far as the Laws of the Kingdom did permit.

They asked who should judge of these Laws, and of their intention, and if it might be decided by a General Assembly : your Excellence answered, Yes, and that either His Majesty would call one, or your self, as His Majesties High Commissioner.

They desired to know if His Majesty would stand to the Award of such an Assembly, especially in what concerned the Acts of the later.

Your Excellence answered, His Majesty was not bound to it, as having his Negative Voice ; which they not acknowledging, your Excellence added, that notwithstanding you were confident, that whatsoever should be agreed on by such an Assembly, called by His Majesties Command, and where the Members should be legally chosen, His Majesty would not onely consent unto them, but have them ratified in Parliament.

They desired your Excellence would limit them a time wherein to return, and treat further with you, with full power to conclude all things wherein they desired not to be pressed with scantiness of time, in regard of the Nobilities being dispersed in several places of the Country.

Your Excellence answered, it should be when themselves would, were it to morrow or a moneth hence ; for you assured them, they would find you so long in these quarters.

Lastly, they desired to know, what they might report of what your Excellence had assured them of His Majesties Intentions concerning Religion and the General Assembly.

Your Excellence answered, that as they brought no Commission to treat of all these particulars, but kept themselves within the limits of the Contents in their Letters, you would doe accordingly in your Answer, and that in writing they should receive something to-morrow.

\* Burnet, p. 133. Reported by Sir Henry Devick.



1639.—June 2.

47. *Letter from the King to Hamilton.\**

HAMILTON,

This day I received yours by the Lord Seaton, and find your Opinion therein very good, if I might spare so many men; but every one, (that I dare consult with about this) protesteth against the diminishing of one man from my Army: besides, I have no mind to stay here upon a meer Defensive, which I must do, if I send you that Strength you mention. Likewise I think that I have my Lord Hume sure, and am reasonably confident of my Lord Johnstown; I have good hopes too of Queensberry, and the Scots; therefore, all these things considered, it were a shame if I should be idle. Wherefore now I set you loose, to doe what mischief you can doe upon the Rebels for my Service, with those men you have; for you cannot have one man from hence. Leaving the rest to the relation of this honest Bearer, I rest

Your assured constant Friend,

CHARLES R.

Camp near Berwick,  
2 June 1639.

1639.—June 4.

48. *Letter from Sir Harry Vane to Hamilton, and P.S. by the King.†*

MY LORD,

By the Dispatch Sir James Hamilton brought

\* Burnet, p. 138. Hamilton's Letter, to which this is the answer, suppressed by Burnet.

† Burnet, p. 139.—This letter affords sufficient evidence of the King's apprehensions as to the increasing power of the Covenanters, which made him resolve "to keep himself on a defensive;" and it is confirmed by the King's postscript. And Burnet (p. 140) tell us that Hamilton had warned his Majesty in the Gallery of Whitehall, "that few of the English would engage in an offensive war with Scotland." This *apologist* of Hamilton states farther that, on reaching the English camp early in June, "the Marquis did shew the King that, while the fire-edge was upon the Scottish spirits, it would not prove an easie task to tame them, but would be a work of some years, and cost much money and many men: he therefore desired the King would consider if it were not fit to consent to the abolishing of Episcopacy and giving way to their Covenant *till better times*; and that, as the chief leaders had entered upon that course, being provoked by some irritations and neglects they had met with, so it might be fit to regain them by *cajolery and other favours*. And to persuade the King to this course was easier, that both his reason and his affection to his subjects did co-operate with it—a great strengthening coming to it by my Lord Canterbury's opinion, who saw a pacification absolutely necessary for the King's service, and did advise it." And Hamilton got a warrant under the King's hand, to "deal with" the Scotch leaders in the way thus suggested. It was at this time that Montrose was induced, by what motives still remains unexplained, to forsake the Covenant and join the King's party; and previously to the treaty, Home, Buccleugh, and some others also forsook the national banner.

It is curious to contrast these disclosures of the real state of facts at the time referred to, with a piece of gasconade in Heylyn's *Life of Laud*, (p. 365,) which, in its leading points, is contradicted by letters under the King's hand to Hamilton. "These preparations (for negotiation, says this Doctor of divinity) being made, they had an easier business of it than they had any reason to expect, to bring his Majesty to meet them in the middle way. *It was not his in-*

your Lordship from His Majesties Sacred Pen, you were left at your liberty to commit any act of Hostility upon the Rebels, when your Lordship should find it most opportune: since which my Lord Holland with 1000 Horse and 3000 Foot marched towards Kelso, himself advanced towards them with the Horse (leaving the Foot three miles behind) to a Place called Maxwell-heugh, a height above Kelso; which when the Rebels discovered, they instantly marched out with 150 Horse, and (as my Lord Holland says) eight or ten thousand Foot; five or six thousand there might have been. He thereupon sent a Trumpet commanding them to retreat, according to what they had promised by the Proclamation. They asked whose Trumpet he was, he said my Lord Holland's; their answer was, he were best to be gone. And so my Lord Holland made his Retreat, and waited on His Majesty this night, to give him this account.

This morning Advertisement is brought His Majesty, that Lesley with 12,000 men is at Cockburnspath, that 5000 men will be this night or to morrow at Dunc, 6000 at Kelso; so His Majesty's opinion is, with many of his Council, to keep himself upon a Defensive, and make himself here as fast as he can: for His Majesty doth now clearly see, and is fully satisfied in his own Judgement, that what passed in the Gallery, betwixt His Majesty, your Lordship, and my Self, hath been but too much verified on this occasion. And therefore His Majesty would not have you to begin with them, but to settle things with you in a safe and good posture; and yourself to come hither in person, to consult what Counsels are fit to be taken, as the Affairs now hold. And so wishing your Lordship a speedy passage, I rest

Your Lordships most humble Servant,

and faithful Friend,

H. VANE.

From the Camp at  
Huntley-field this  
4<sup>th</sup> of July [June] 1639.

Having no time to write my Self so much, I was forced to use his Pen; therefore I shall only say, that what is here written, I have directed, seen, and approved.

C. R.

1639.—June [7 or 8.]

49. *Supplication by the People of Scotland to the King.\**

TO THE KING'S MOST EXCELLENT MAJESTIE,  
The Supplication of His Majesties Subjects of  
Scotland,  
Humbly sheweth,

That where the former meanes used by us have not bene effectuell for recovering your Majesties favour, and the peace of this your Majesties native Kingdome, we fall doune againe at your Majesties feete, most humbly supplicating that your Majestie

*tent to fight them*, as I have heard from a person of great trust and honour; but only by the terrour of so great an army to draw the Scots to do him reason. And this I am the more apt to credit, because when a Noble and well experienced commander offered him (then being in camp near Berwick) that with *two thousand horse*, (which the King might very well have spared,) he would so waste and spoil the country, that the Scots should creep upon their bellies to implore his mercy,—he would by no means hearken to the proposition."

\* Folio MS., f. 73.



would be graceouslie pleased to appoynt some few of the many worthie men of your Majesties Kingdome of England, who are well affected to the true religion, and to our common peace, heareby some of us of the same disposition, our humble desires, and to make known to us your Majesties graceous pleasure; that, as by the providence of God we are joyned in one Island under one King, so, by your Majesties great wisdom and tender care, all mistakeing may be speedilie removed, and the two Kingdomes may be kept in peace and happinesse under your Majesties long and prosperous reigue; for which we shall never cease to pray, as becometh your Majesties most humble Subjects.

1639.—June 7.

50. *The Answer sent from the King by Sir Edmond Verney.\**

The Kings Majestie having read and considered the humble supplication presented unto him by the Earle of Dumfermling, hath commaunded me to returne this answer—That whereas his Majestie hath published a graceous Proclamation to all his subjects of Scotland, whereby he hath given them full assurance of the free enjoying both of Religion and Lawes of that Kingdome, and likewise a free pardon, upon their humble and duefull obedience; which Proclamation hath been hitherto hindred to be published to most of his said subjects: Therefore, his Majestie requires, for the full information and satisfaction of them, that the said Proclamation be publictly read. That being done, his Majestie will be graceouslie pleased to heare any supplication of his subjects.

1639.—June 8.

51. *Sir Edmond Verney, his Memento of the Answer from the Scotts Noblemen.†*

His Majesties Proclamation which I desired, in his Majesties name, to be published, was called for

\* Folio MS., f. 74-75.—The looseness of Burnet and others who treat of this pacification, and the lack of dates to several of the documents, referable to the period of the negotiations, is apt to create uncertainty and indistinctness as to the several steps and stages in its progress; and it is somewhat difficult to fix the precise days on which some of the notes, &c. were written and communicated. Minute exactness in this respect is perhaps now but of small importance, (though historical truth depends much on chronological accuracy;) but attention to the following particulars enables us, with considerable certainty, to assign to the several documents their proper place.

The repulse of the King's troops at Kelso took place on the 3d of June; and in the interval betwixt that day and the 7th, the Earl of Dunfermline was despatched from the Scotch to the King's camp, with renewed supplications for opening negotiations. On the 7th, Sir E. Verney brought a message from the King, requiring his proclamation to be published; and it was read at General Leslie's table on the 7th, when, accompanied by Dunfermline, Verney returned to the King's camp with a favourable report. On the 8th, the King agreed to negotiate, and wrote a letter to that effect. On the 10th, (Burnet says the 11th,) the first meeting took place, and three more afterwards—viz., on the 12th, 15th and 18th—at the last of which the King's Declaration was adjusted, and the articles of pacification agreed to.—*Vide* Baillie, vol. i. p. 179-183.

† Folio MS., f. 75.

by the Noblemen and others convene to heare his Majesties graceous desire, and, with all due reverence, was read and heard; unto which these Answers were made:—

That they are most willing, in all humilitie, to receive his Majesties just commandment, as becometh loyall subjects: That the Estates being convened for holding the Parliament called by his Majestie, had received, from the Magistrats of the towne of Edinburgh, a copie of this Proclamation, which his Majesties High Commissioner had commanded them to publish; and the said Estates, considering thereof seriouslie, did returne thir reasons to his Majesties Commissioner, why it could not be published, which they doe conceive were represented to your Majestie by your Commissioner, and thereunto they still adhere.

1. And one of the reasons which I did heare from them was, that this Proclamation did not come in the ordinary and legall way—by his Majesties Counsell—which both is the law, and hath been the perpetuall custome of this Kingdome, and was acknowledged by the whole Counsell, ever since the beginning of this Commotion. In the presenee of his Majesties Commissioner it was remembered also, that both his Majesties Counsell and Senatours of the Colledge of Justice, being divers tymes since convened, did testifie their dislyke thereof.

2. Another reason was, that they found it to be most prejudiciall to his Majesties honour, who is desirous to govern according to law.

3. A third was, that it was destructive of all their former proceedings, as traterous and rebellious, which, notwithstanding, they mentaine to be religious and loyall.

4. A fourth was, that whereas the meanest subject cannot be declared a tratour by proclamation, nor his estate forfeit but after citation and conviction in Parliament, or the Supreme Justice-Court, yet herein the whole bodie of the Kingdome, without any citation or conviction, are declared rebellious and tratours, and their estates disposed to their vassells and tennents.

A last was, that they were persuaded this did not flow from his Majesties royall disposition, but from men evill affected to the peace of the Kingdome; and that this was so farre from giving satisfaction to his Majesties subjects, that it so dissolved all the bonds of union betwixt his Majestie and his native Kingdome, that there could be no hope of accommodation of affaires thereafter in a peaceable way, which hath ever been their desire; and that they were confident that his Majestie would take in his royall consideration how illegall in maners, and prejudiciall in matters, this is, both to his Majesties honour, and the weill of his Kingdome, and especially to the intendit pacification; and that his Majestie will be well pleased to send a graceous answer to their humble Supplication sent by my Lord Dumfermling.

1639.—June 8.

52. *The King's Answer.\**

At the Kings Campe, the 8 of Junii 1639.

His Majestie having understood of the obedience of the Petitioners in reading his Proclamation as was commanded, is graceouslie [pleased] so farr to condescend to their Petition, as to admit some of them to repaire to his Majesties campe upon Munday next, at 8 a clock in the morning, at the Lord Gen-

\* Folio MS., f. 75.



eralls tent, where they shall find six persones of honour and trust, appoynted by his Majestie, to heare their humble desires. JOHNE COOK.

1639.—June 8.

53. *The Scotts Desire and Draught of a Safe Conduct.\**

Whereas the Subjects of our Kingdome of Scotland, have humbly supplicated that we may be graceouslie pleased to appoynt some of this our kingdome to heare, by such as shall be sent from them, their humble desires, and to make knowne to them our grave pleasure; unto which Supplication we condescend so farre as to admitt some of them to repaire to our campe, upon Munday, at 8 of the clock in the morning; and, becaus they may apprehend danger in their comeing abroad, or returning, we doe offer them, upon the word of a Prince, that the persones sent from them shall be safe and free from all trouble and restraint, whereof these shall be a sufficient warrant.

We trust His Majestie will favourable construct this our humble requyreing of a safe conduct, since, when our confidence is in his graceous Majestie, we desire no further but assurance under his royall hand—albeit, by statuts of England which were before cited to my Lord Dalyell—all assurance and conducts are declared to be null, if they have not passed the Great Seale of England.

The Proclamations published throughout the parochie churches of England, and these later sent to be published in Scotland, declairing us His Majesties subjects to be Rebellis, and our proceedings to be treacherous, forfeiting our estates, and threatening to destroy us, lay a necessitie upon us who desire to cleare ourselves, to crave a safe conduct to His Majestie.

The former refusall of a safe conduct to His Majesties Councell and Session, when they craved libertie to goe up and informe His Majestie of the true estate of our bussinesse, and to ourselves, when we desired libertie to cleare our proceedings and intentions to His Majestie, shoves the greater necessitie of our craving the same for to give a full and free information of our affaires.

This refusing of a safe conduct being knowne to the Army, makes them more unwilling then before, that any should goe there.

Hereupon the former warrant of a safe conduct, subservyed be John Cook, was also subservyed be the King.

1639.—June 8.

54. *The Humble Desires of His Majesties Subjects of Scotland, at the first going of the Scotts Commissioners.†*

1. First, It is our humble desire that His Majestie would be graceouslie pleased to assure us that the Acts of the late Assembly at Glasgow, indicted by His Majestie, shall be ratified in the ensuing Parliament, to be holden at Edinburgh the 23 of Julii, since the peace of the Kirk and Kingdome cannot indure farther prorogation.

2. That His Majestie, from his tender care of the preservation of our religion and lawes, will be graceouslie pleased to declare and assure that it is his royall will, that all matters Ecclesiasticall be determined by the Assemblies of the Kirk, and matters civill by Parliament, which are for His

Majesties honour, and keeping peace and order amongst the subjects in the tyme of His Majesties personall presence.

3. That a blessed pacification may be speedilie brought about, and His Majesties subjects may be secured, our humble desire is, that His Majesties schippes and forces by land may be recalled; that all persons goods and schippes arreasted, may be restored; the losses which we have sustained by the stoping of our trade and negotiating, be repaired, and we made safe from violence and invasion; and that all excommunicat persons, all incendiaries and misinformation against the kingdome, who hes, out of malice, caused these commotions for their owne privat ends, may be returned to suffer their deserved punishment, and the Proclamations sent abroad by them under His Majesties name, to the dishonouring of the Kiug and defameing of the kingdome, may be suppressed; as these are our humble desires, so it is our grieve that His Majestie should have been provoked to wrath against us His Majesties most humble and loyall subjects, and shall be our delight, upon his Majesties assurance, of the preservation of our religion and lawes, to give example to uthers of all civill and temporall obedience which be required or expected of loyall subjects.

That our desires are only the injoying of our religion and liberties, according to the ecclesiasticall and civile lawes of his Majesties kingdome, to cleare by sufficient grounds that the particulars which we humbly crave are such, and shall not insist to crave any pairt which is not so warranted, and that we humbly offer all civill and temporall obedience to his Majestie which can be required or expected by loyall subjects.

*Reasons and grounds of our humble desires.*

I. We did first desire a ratification of the late General Assembly in the insuing Parliament.

First, Becaus the civill power is keeper of both Tables; and, wherever the Kirk and Kingdome are ane bodie, consisting of the same members, there can be no firme peace nor stabilitie of order, except the ministers of the Kirk, in their way, presse obedience of the civill law, and magistrats and their civill power, and their sanction and auctoritie of the constitutions of this Kirk.

2. Secondlie, Becaus the late Generall Assemblie, indicted by his Majestie, was lawfullie constitut in all the members, according to the institution and orders preserbyed by the Acts of former Assemblies.

3. Thirdlie, Becaus no particular is inacted in the late Assemblie which is not grounded upon the Acts of preceding Assemblies, and is either expressly contained in them, or, by necessarie consequent, may be deduced from them: That the Parliameut be kepted without prorogation, his Majestie knows how necessar it is, since the peace of the Kirk and Kingdome call for it without longer delay.

II. We did secondlie desire that his Majestie would be pleased to declare and assure, that it is his royall will that all matters ecclesiasticall be determined by the Assemblies of the Kirk, and matters civile by the Parliament, and other inferior judicatories established by law; becaus we know no other way of preservation of our religion and lawes, and becaus matters so different in nature ought to be treated respectie in their owne proper judicatories. It was also desired that Parliaments might be holden at sett tymes, as once in two or thrie years, by reason of his Majesties personall absence, which hindereth his subjects in their complaints and grievances to have immediat accesse to his Majesties prescuce.

\* Folio MS., f. 75.

† Folio MS., f. 75.



And whereas his Majestie requires us to limite our desires to the injoying of our religion and liberties, according to ecclesiasticall and civile lawes respective, that we never intend further then the injoying of our religion and liberties, and that all this tyme past it was far from our thoughts to diminish the auctoritie of our native King and dread Sovereigne, or to make any invasion upon the kingdome of England, which are the calumnies forged and spread against us by the malice of our adversaries, and for which we humbly desire that in his Majesties justice they may have their owne censure and punishment.

III. Thirdlie, we desired a blessed pacification, and did expresse the most readie and powerfull means which we could conceive for bringing the same speedilie to passe, leaving other meanes serving for that end to his Majesties royall consideration and grave wisdom.

*Answer to the Queeres propounded by his Majestie.*

The queeres propounded by his Majestie, are—First, Whither his Majestie hath the power of the sole indiction of the Generall Assembly?

Secondlie, Whither his Majestie hath a negative voice in Assemblies?

Thirdlie, Whither the Assembly may sitt, after his Majestie, by his auctoritie, hes discharged them to sitt?

I. Unto all which we answer, First, That it is proper for the Generall Assembly, by itselfe, to determine questions of this kinde; and it is no lesse than usurpation in us, which might bring upon us the just censure of the Generall Assembly, to give out determination.

II. Secondlie, The answering of aue of these three demands is the answering of all; for if the sole indiction of the Generall Assembly doe belong to his Majestie, there needs no question about the negative voice and dissolving of Assemblies. Next, if his Majestie hes a negative voice, there needeth no question concerning the indiction and discharging. Thirdlie, If his Majestie may discharge the Assembly, there needeth no question about the other two.

For our partes, we doe humbly acknowledge that the Kings Majestie hath power to indiet the Assemblies of the Church, and whensoever in his wisdom he thinketh convenient he may use his auctoritie in coueining Assemblies of all sorts, whether generall or particular. We doe acknowledge also that the solemn and publick indiction, by way of proclamation and compulsion, doth belong properlie to the Magistrat, and can neither be given to the Pope nor to any forragne power, nor can it, without usurpation, be claimed by any of his Majesties subjects; but we will never thinke but that in case of urgent and extreme necessitie, the Church may, be her selfe, convene, continow, and give out her owne constitutions for the preservation of religion.

1. God hath given power to the Church to conueene; the love of God hath promised his assistance to them being conueened; and the Christian Churches hes, in all ages, used this as the ordinary and necessarie meanes for establishing of religion and pietie, and for removeing of the evils of heresie, scandalles, and uther things of that kind, which must be, and would bring the Church to be in miserie, if by this powerfull remeadie they will not be cured and prevented.

2. Secondlie, According to this divine right, the Church of Scotland hath kept her Generall Assemblies with a blessing from heaven; for whill our Assemblies hath continowed in their strenth, in the doctrine, in the worship and discipline, the unitie

and peace of the Church continowed in vigour, pietie and learning wer advanced, and profanenes and idlenes wer censured.

3. The Church of Scotland hath declaired, that all ecclesiasticall Assemblies hath power to conueene lawfullie fortreating of things concerning the Church and pertaining to their charge, and to appoynt tymes and places for that effect.

4. The liberties of this Church for holding Assemblies is acknowledged by Parliament, and ratified anno 1593 [1592] and that upon the ground of perpetuall reason.

5. Becaus there is no ground, either by Act of Assembly or Parliament, or any preceding practice, neither in the Christian Church of old, nor yet in our owne Church since the Reformation, whereby the Kings Majestie may dissolve the Generall Assembly, or assume unto himselfe a negative voice; but, upon the contrare, his Majesties prerogative hes [is] declared by Act of Parliament to be no wayes prejudiciall to the priviledges and liberties which God hath granted to the spirituall office-bearers of his Church, which are most frequentlie ratified in Parliament, and especially in the last Parliament holden by his Majestie.

6. By this meanes, the whole frame of religion and Church Jurisdiction shall depend absolutelie upon the pleasure of the Prince; whereas his Majestie hath publickly declared, by publick proclamation in England, that the Jurisdiction of the Churchmen, in their meetings and Courts holden by them, doe not flow from his Majesties auctoritie, notwithstanding any Act of Parliaments which hath bene made to the contrare, but from themselves, in their owne power; and that they hold their courts and meeting in their owne name.

7. That whereas His Majestie, upon the 12 of June, receaved a paper of the schort generall grounds and limits of their humble desires, his Majestie was graceouslie pleased to make this answer, viz., that if their desires be only the enjoying of religion and liberties, according to the ecclesiasticall and civill lawes of his Majesties Kingdome of Scotland, his Majestie doth not onlie agree to the same, but shall also protect them to the uttermost of his power; and if they shall not insist upon any thing but that which is warranted, his Majestie most willinglie and readilie [will] eondiscend thereto; so that, in the mean tyme, they pay unto him that civill and temporall obedience which can be justlie required and expected of Loyall Subjects.

1639.—June 18.

55. *Declaration by the King, and Terms of the Treaty.\**

CHARLES R.

We having considered the Papers and humble Petitions presented to Us, by those of Our Subjects of Scotland who were admitted to attend Our Pleasure in the Camp, and after a full hearing by Our Self, of all that they could say or alledge thereupon, having commuicated the same to Our Council of both Kingdoms, upon mature Deliberation, with their unanimous Advice, have thought fit to give them this Just and Gracious Answer; That though We cannot condescend to ratifie and approve the Acts of the pretended General Assembly at Glasgow, for many grave and weighty Considerations which have happened, both before and since, much importing the Honour and Security of that

\* Burnet, p. 141.



true Monarchical Government lineally descended upon Us from so many of Our Ancestours; yet such is Our Gracious Pleasure, that, notwithstanding the many Disorders committed of late, We are pleased not only to confirm and make good whatsoever Our Commissioner hath granted and promised in Our Name; but also, We are further Graciously pleased to declare and assure, that, according to the Petitioners humble Desires, all matters Ecclesiastical shall be determined by the Assembly of the Kirk, and matters Civil by the Parliament, and other inferiour Judicatories established by Law; and Assemblies, accordingly, shall be kept once a year, or as shall be agreed upon at the next General Assembly.

And for settling the general Distractions of that Our Aucient Kingdom, Our Will and Pleasure is, that a Free General Assembly be kept at Edinburgh the sixth day of August next ensuing, where We intend (God willing) to be personally present, and for the Legal Indiction whereof, We have given Orders and Command to Our Council; and thereafter a Parliament to be holden at Edinburgh the twentieth day of August next ensuing, for ratifying of what shall be concluded in the said Assembly, and settling such other things as may conduce to the Peace and Good of Our Native Kingdom, and therein an Act of Oblivion to be passed.

And whereas We are further desired, that Our Ships and Forces by Land be recalled, and all Persons, Goods, and Ships be restored, and they made safe from Invasion, We are Graciously pleased to declare, That upon their disarming and disbanding of their Forces, dissolving and discharging all their pretended Tables and Conventicles, and restoring unto Us all our Castles, Forts, and Ammunitions of all sorts, as likewise Our Royal Honours; and to every one of Our good Subjects their Liberties, Lands, Houses, Goods, and Means whatsoever, taken and detained from them since the late pretended General Assembly, We will presently thereafter recall Our Fleet and retire Our Land-Forces, and cause Restitution to be made to all persons, of their Ships and Goods detained or arrested since the aforesaid time; whereby it may appear, that Our Intention in taking up of Arms was no ways for invading Our Own Native Kingdom, or to innovate the Religion and Laws, but mainly for the maintaining and vindicating of Our Royal Authority.

And since that hereby it doth clearly appear, that We neither have, nor do intend any Alteration in Religion and Laws, but that both shall be maintained by Us in their full Integrity, We expect the performance of that humble and dutiful Obedience, which becometh loyal and dutiful Subjects, and as in their several Petitions they have often professed.

And as We have Just Reason to believe, that to Our peaceable and well-affected Subjects this will be satisfactory; so We take God and the World to witness, that whatsoever Calamities shall ensue by Our necessitated suppressing of the Insolencies of such as shall continue in their Disobedient Courses, is not occasioned by Us, but by their own procurement.

[After this the following Articles were signed:]

I. The Forces of Scotland to be disbanded and dissolved within eight-and-fourty hours, after the Publication of His Majesties Declaration being agreed upon.

II. His Majesties Castles, Forts, Ammunition of all sorts, and Royal Honours, to be delivered after the Publication, so soon as His Majesty can send to receive them.

III. His Majesties Ships to depart presently after the delivery of the Castles, with the first fair Wind, and, in the mean time, no interruption of Trade or Fishing.

IV. His Majesty is Graciously pleased to cause to restore all Persous, Goods, and Ships, detained and arrested since the first of November last.

V. There shall be no Meetings, Treatings, Consultations, or Convocations of His Majesties Lieges, but such as are warrantable by Act of Parliament.

VI. All Fortifications to desist, and no further Work therein, and they to be remitted to His Majesties Pleasure.

VII. To restore to every one of His Majesties Subjects their Liberties, Lands, Houses, Goods, and Means whatsoever, taken and detained from them, by whatsoever Means, since the aforesaid time.

[Next, the Commissioners signed the following Note:—]

In the Campe, 18 Junii 1639.

In obedience to His Majesties Royal Command, we shall, upon Thursday next, the 20th of this June, dismisse our Forces, and immediatlie thereafter deliver His Majesties Castles, and shall ever, in all things, carry ourselves like Humble, Loyal, and Obedient Subjects.

Roths,	W. Douglas,
Dumfermline,	Al. Henderson,
Lowden,	Arch. Johnstown.

1639.—June.

56. *The Scottish Armies Declaration concerning the Acceptation of the Kings Majesties Answers.*†

Least his Majesties Declaration, of the date Junii 18, concerning ane answer to our humble desire, presented by our Commissioners, should either be mistaken by our well-affected, or wilfullie misconstrued by the malicious, whereby his Majesties justice and goodnes may be concealed, or his Majesties good subjects may appear to have done or admitted any poynt contrare to our oath of Covenant; the Generall, Noblemen, Barrons, Burgeses, Ministers, and Officers conveyed before the dissolving of the Army, have thought it necessary to put in write what was related to them by their Commissioners from his Majestic—To witt, That, as his Majestic declared that he would not acknowledge nor approve of the late Generall Assembly holden at Glasgow, for which cause it is called in his Majesties Declaration “a pretendit Assembly;” so was it not his Majesties mynd that any of the Petitioners, by their acceptance of the said Declaration, should be thought to disapprove or parte from the samen, or condemne their owne proceedings as disorders and disobedient courses; and, therefore, as they doe intreat all his Majesties good subjects, with submisse and heartie thanksgiving, to acknowledge and confesse his Majesties favour, in indicting a free Assembly, to be kept the 6 of August, and Parliament 20, for ratifieing of what shall be concluded in the Assembly as the proper and most powerfull meanes to settle this Church and Kingdome: so would they have all his Majesties good subjects to know, that, by accepting the said Declaration and Articles of Pacification joyned therewith, they doe not, in any sort or degrie, disclaime or disallow the said Assemblie, but that they still stand obleidged to adhere thereto, and obey

\* Folio MS., f. 78, and Burnet, p. 143.

† Folio MS., f. 79.



and mentaine the same; and for preventing and mistaking all misconstructions, let this be made knowne to all persons, and in all places where his Majesties declarations shall be published, which, as it is his Majesties oune mynd, expressed diverse tymes to our Commissioners, so are we assured that it will serve much for his Majesties honour, for the satisfaction of the godlie, and for the promoting of this blessed pacification for which all of us ought earnestlie to pray unto God, to remember also our late Oath and Coveuaut, and to walk worthe of it, and to beseech the Lord that, by the approaching Assembly and Parliament, religion and righteousness may be established in the land.

1639.—June.

57. *Some Heads of His Majesties Treatie with his Subjects in Scotland before the English Nobilitie, and sett downe here for remembrance.\**

1. For the preface and conclusion of his Majesties last Declaration, although it contained hard expression of the Subjects in Scotland, his Majestie declaired that he had no such opinion of them, but requyred the paper to stand for his credit, and for ane point of honour with forraigne nations, and required they should not stand with him for words and expressions. So they obtained the matter.

2. For calling of the late Assembly "*pretended*"—seeing the Subjects of Scotland professed they would never passe from the said Assembly and deeries thereof, his Majestie declaires he did not acknowledge that Assembly farder then as it had registrat his Declaration. So would he not desire the subjects to passe from the samen.

3. Anent the Constitution of the Assembly, it was shawen his Majestie that none could be Members of the Assembly but such as had a Commission, viz., 2 or 3 Ministers from each Presbetrie, with a Rewling Elder, ane from each Burgh, and his Majestie or his Commissioner. His Majestie concluded that his assessour had vote; and upon ane expression in his Majesties declaration, referred that to some reasons contained in former proclamations, which wer utterlie against the lawfulness of Ruleing Elders, was desired, according to the custome of this Kirk, all controversies arising should be remitted to the Assembly itselfe. His Majestie had some expressions craving these to be remitted to himselfe; but seeing that it was against the Constitution of the Kirk to have any other judge but the voters in the Assembly, where his Majestie or his Commissioner was present, and gave the first vote, "Free Assemblie," in his Majesties Declaration, did import the freedom in judging all questions arising there anent Constitutions, Members, or matters.

4. Anent the restitution of the Castles; as the subjects did it frelie, so did they expresse that which might coucerne the safetie of the countrie. They referred that to the tyme of the Parliament, at which tyme they would signifie their desires by petition to his Majestie; as also, they told it had cost much charges in fortifieing and keeping thereof—the representation whereof to his Majestie they referred to that tyme.

5. Concerning the restitution of persons, houses, goods, &c., required by his Majesty, it was pro-

mised, provyding that the great soumes of money contracted for the publict were payed in ane equall way by all, which behoved to be done either by Commission from his Majestie or from the Parliament; and when it was objected that much good was spent that was taken, the King answered, that as for goods or ammunition that was already spent, they could not be restored, but these that are extant must be.

6. His Majestie not allowing of the late Assemblie, for the reasons contained in his severall proclamations, being excepted against as presupposing and importing a declaration of His Majesties Judgement against ruling elders, which prejudged the right constitution of a free Assembly; His Majestie, after a full hearing, deleited that clause.

7. That parte of his Majesties declaration, which beares that no [other] oath be exacted of entrants than that which is contained in the Acts of Parliament, as also that clause bearing that the present Bischops, &c., shall be sensurable by a Generall Assembly—being excepted against as presupposing and importing the continuance of Episcopacie, which we could not acknowledge, as being incompatible with the Confession of Faith and Constitutions of the Church;—his Majesty was pleased to deleite both these clauses.

And being, with all constancie and humilitie, pressed upon Saturday, Junii 15, that his Majestie would satisfie that maine desyre of his subjects, by declairing that his Majestie would quyte Episcopacie, he did answer that it was not sought in our desires: and when it was replied that our first desires to have the Acts of the Generall Assembly ratified, [it] imported the same, his Majestie acknowledged it to be so, and averred that he did not refuse it, but would advise till Munday the 17, at which tyme his Majestie being pressed to give some specification of quyteing Episcopacie,—and it being plainly showed that, if his Majesty should labour to mentaine Episcopacie, it would breid a miserable shisme in this Church, and make such a rupture and divisione in this Kingdome as would prove incurable; and if his Majestie would let the Kirk and Countrie be freed of them, his Majestie would receive as heartie and duetifull obedience as ever Priuee received of a people;—his Majestie answered, he would not preiudice and forstall his voice; but he had appoynted a free Assemblie, which might judge of ecclesiasticall matters, the constitutions whereof he should ratifie in the ensuing Parliament.

1639.—July 1.

58. *Proclamation of the Assemblie to be held in August.\**

Apud Halyrudhous, primo Julii 1639.  
Sederunt, &c.

Forsameikle as the Kings most Saered Majestie, by his Graccous proclamation lately published, of the date the [18] of Junii last, hes beene pleased, out of his pious and religious disposition to the trew religion, and out of his fatherlie care for removing all feareis and doubtis whilks may arryse in the myndis of his subiectis, and upon diverse great and weightie considerations importing the glorie of God, the peace of the Kirk, and commonwele of the Kingdome, to appoynt and give order that a Generall Assemblie be iudieted, kept, and haldin in the Citie of Edinburgh upon the twelff of August next to come, with continuowation of dayes: Therefore

\* Folio MS., f. 78. The correctness of this narrative of what passed at the negotiations was afterwards impugned by Charles, and it was burnt in London by the hands of the hangman.

\* Privy Council Record.



the Lordes of Secreit Counsel, according to his Majesties warrand and directioun given to thame in writt, ordains Letters to be direct, charging his Majesties Herauldes to pass and make publication heirof be opin proclamation at the Mercate Croce of Edinburgh, and other places needfull, and to warne all and sundrie Archbishops, Bishops, Commissioners of Kirks, and others having place and voice in the Assemblie, to repaire and addresse themselves to the said Citie of Ediuburgh the said twelff day of August nixt to come, and to attend the said Assemblie dureing the tyme thereof, and ay and whil the same be dissolved, and to doe and performe all whilk to thair charge, in sic caises apperteanes, as they will answer in the contrare at their perrel.

Followes his Majesties Missive for warrand of the Act abouewritten.

CHARLES R.—Right trustie, &c. Having, by our Declaration of the date of the 18<sup>th</sup> of this moneth, signified our pleasure for holding a Generall Assemblie at Ed<sup>r</sup>, where we intend to be (God willing) present in person: It is our pleasure that yow meit the said Assemblie, to be holden the twelff day of August nixt in the place aforesaid—causeing warne to that purpose all Archbishops, Bishops, Commissioners of Kirks, and others having place and voice in the Assemblie, according to the proclamation made for the iudiction of the late pretendit Generall Assemblie at Glasgow, for which these presents sal be your warrand. Wee bid yow fareweille. from our Court at Berwick, the 29<sup>th</sup> of June 1639.

1639.—July 1.

59. *A Protestation at the Mercat Croce of Edinburgh, 1 of Julii 1639.\**

We Noblemen, Barons, Burrowes, Ministers, his Majesties most humble duetifull Subjects, who lies beene his Majesties Supplieants this tyme past, doe, in all humilitie acknowledge, and with most heartie affection reeeave, that his Majesties most gracieous and royall favour in calling againe a free Assembly and Parliament for the finall settling of this Kirk and Kingdome in a firme Peace, so happily begune, which we earnestlie desire that may be perfyted; desireing also, as becometh his Majesties good Subjects, to joyne in our most earnest endeavours with his Sacred Majestic for the preservation of the liberties and Constitutions of the Kirk in this his Majesties Kingdome, against the Usurpatione who have proven enemies to religion, to his Majesties honour, and which may import the violation of the oath of God which tyeth us to maintaine the lawfull Assembly holden at Glasgow, wherein it was found, by the Constitutions of this Kirk, that the offic of Bishops and Archbishops [who] are now cited to assist (by his Majesties indiction) the eusing Assemblie; and the Government of the Kirk by them, is abjured and ought to be removed out of this Kirk, and by the publict auctoritie thereof, they themselves is, for their high usurpations, their novations in the worship of God, and uther haynous crymes, joyned with their obstinacie in stopping their eares against the voice of the Kirk, and declyning hir auctoritie, were most solemnlie excommunicat therefor. Least this forme of indiction should interfere against us, the smallest acknowledgement of that pretendit office or government, or any right in the persones to sitt or voice in the Assemblies of the

Kirk or derogation to the Sentence of the Kirk, pronounced against them, or to the former protestations made by us; or least it should import the least prejudice to the said full, lawfull, and frie Generall Assembly, which his Majestic, by his Royall word, and holden by us most sure and inviolable, did openly declair to our Commissioners that he would not bidd us disapprove, or pass fra; and was gracioslie pleased, at their humble desires, to cause delait such clausces of his Majesties Declaration as might inferre the acknowledgement of Bishops to their Government: WE, therefore, in our own names, and in name of all who adheres to the Covenant and Generall Assembly, DECLAIR, before God and Man, and PROTEST—

1. That we adhere, and stand oblidged by our former oathes and protestations, to maintaine the late Generall Assembly holden at Glasgow, being undoubtedlie ane most lawfull and free Generall Assemblie; and that all Acts, Sentences, Constitutions, Censures and Proceedings of a full and free Generall Assembly of this Kirk of Scotland, and so have already [had] execution under the ecclesiasticall paines therein mentioned, and couforme thereto in all poynts; and in speciall these sentences of deprivation and excommunication of the some tyme pretended Bishops and Archbishops of this Kingdome.

2. We PROTEST that we doe still continuwallie adhere to our Solemne Covenant with God, according to the Declaration of the Assembly, whereby the office of Bishops and Archbishops is declaired to have beene abjured.

3. We PROTEST that these pretended Bishops and Archbishops who yet usurpes that title and office, abjured by this kirk, are contemners of the sentences of this Kirk, and hes beine malicious incendaries of his Majestic against this kingdome by their wicked calumies, that if they returne to this kingdome, they be esteemed and used, accursed and delivered over to the Divell, and cutt off from Christs bodie as ethinicks and publicans; and that this present citation import no acknowledgement of them as Members of the Assembly, nor any wayes prejudge the lawfull Acts of the said free Generall Assembly.

4. We PROTEST that all misinformations of the Kings Majestic against his good subjects, and all givers of counsell against the will of the realme, be accuseable and censurable at the next Parliament, according to our former protestations, according to the Act of Parliament King James 4, there mentioned; and that all the subjects of this Kingdome, entertainers and mentainers of excommunicat persons, be orderlie proceeded against with excommunication, conforme to the Acts and Constitutions of this Kirk.

And seeing the Session is now appoynted to sitt doune which tendeth to the prejudice of his Majesties good subjects, and who hath beene so latelie busied in the preparations for the defence of the religion and countrie, that they are now necessarlie reteired to their owne dwellings for settling their privat effaires, that they cannot be tymouslie advertised to attend any lawfull bussines without greater prejudice than benefite, and that the most parte of the leidges have so secured their evidents that the same cannot be in readines in so short tyme of Session; Therefore, and in respect the downe sitting of the Session cannot be urtherwayes legallic intimat to them but upon 40 dayes, whereof there are but 20 dayes to run of the appoynted tyme of this meeting, We protest that all the Members of the Colledge of Justice and all his Majesties Leidges are *in bona fide* not to attend this Session; but that all Acts,

\* Folio, MS., f. 79.



Sentences, Decrets, and Interloquitours to be given and pronounced against them, (if any shall be), are in the selfe null and ineffectuall, sicklyke as the same had not beene given nor pronounced; and protests for renead of law against the same and everie ane of them.

Lastlie, we PROTEST that we may have libertie to amplifie and enlarge this our Protestation, and reasons thereof; whereupon the Earle of Dalhousie in name of the Noblemen, Sir W<sup>m</sup> Ross in name of the Burrows, Mr Andrew Ramsay in name of the Ministers, took Instruments in the hands of the Notars present in the Croce of Edinburgh.

1639.—July 5.

60. *Advice by Hamilton to the King.\**

To leave all that is past, the Question is briefly; Whether the Assembly and Parliament now indicted is fittest to be held or discharged?

If held, the Success of the Assembly will be the Ratifying of what was done at Glasgow; or if that point be gained, yet certainly most of the Acts that were made there will of new [be] enacted: nor is there any hope to prevent their finding Episcopacy to be abjured by their Covenant, and the Function against the Constitution of their Chnrch.

This will be by the Members of Parliament ratified, and pnt to the Kings Nagative Voice, and if it be not condescended to by him, it is more than probable, that his Power even in that Court, and in that Place, will be questioned.

If it be discharged, nevertheless the Assembly will be kept by the Rebels, and the same things done in it by them, and thereafter maintained by the generality of the Kingdom: this consequently will bring alongst with it the certain loss of Civil Authority, and so necessitate the re-establishing the same by Force, or otherwise the desertion of that Kingdom.

So it is to be resolved on, whether it be fit to give way to the Madness of the People, or of new to intend a Kingly Way?

If way be given to what is mentioned, it is to be considered in that case, if the King shall be personally present or not; if not present, who shall be employed, and how instructed?

If the Kingly Way be taken, what shall be the means to effectuate the intended end; particularly how Money may be levied for the waging of this War, and if that be feisible without a Parliament?

If a Parliament, what the Consequence may prove? So all may be summed up in this; Whether to permit the Abolishing of Episcopacy, the lessening of Kingly Power in Ecclesiastick Affairs, the Establishing Civil Authority in such manner as the Iniquity of the Times will suffer, and to expect better; and what will be the Consequence of this if way be given thereto: or to call a Parliament in England, and leave the event thereof to hazard and their discretions, and in the interim Scotland to the government of the Covenanters?

1639.—July 17.

61. *Private Warrant from King Charles I. to the Marquis of Hamilton, to converse with the Covenanters.†*

CHARLES R.

We do, by these presents, not only anthorise, but

\* Burnet, p. 144.

† Hardwicke, vol. i., p. 141; who adds this note: "As Burnet, in his Memoirs of Hamilton, has already

require yon to use all the means you can with such of the Covenanters as come to Berwick to learn which way they intend the estate of Bishops shall be supplied in Parliament, what our power shall be in ecclesiastical affairs, and what farther their intentions are: for which end you will be necessitated to speak that language which, if you were called to an account for by us, you might suffer for it. These are, therefore, to assnre you, and, if need be, hereafter to testify to others, that whatsoever you shall say to them to discover their intentions in these particulars, you shall never be called in question for the same, nor yet it prove anyways prejudicial to yon; nay, though yon should be accused by any thereupon.

To our Trusty and well-beloved Cousin and Connsellor, the Marques of Hamilton.  
Berwick, July 17, 1639.

1639.—July 27.

62. *Instructions by the King to Traquair as Commissioner.\**

CHARLES R.

At the first Meeting of the Assembly, before it be brought in dispute who shall preside, yon shall appoint him who was Moderator in the last Assembly, to preside in this till a new Moderator be chosen.

We allow that Lay-elders shall be admitted Members of this Assembly; but in case of the Election of Commissioners for Presbyteries the Lay-elders have had Voice, yon shall declare against the informality thereof, as also against Lay-elders having voice in Fundamental Points of Religion.

At the first opening of the Assembly, you shall strive to make the Assembly sensible of Our Goodness, that, notwithstanding all that is past, whereby We might justly have been moved not to hearken to their Pctitions, yet We have been Gracionsly pleased to grant a Free General Assembly, and for great and weightie Considerations have commanded the Archbishops and Bishops not to appear at this Assembly.

You shall not make use of the Assessors in publick, except yon find you shall be able to carry their having Vote in Assembly.

You shall labour to your uttermost that there be no question made about the last Assembly; and, in case it come to the worst, whatever shall be done in Ratification, or with relation to the former Assembly, Our Will is, that yon declare the same to be done as an Act of this Assembly, and that yon consent thereunto onely upon these terms, and no ways as having any relation to the former Assembly.

You shall by all means shun the Dispute about Our Power in Assemblies; and if it shall be urged

mentioned, though in an inaccurate way, this extraordinary warrant, it is thought not improper to publish it exactly from the original."—Burnet's statement thus referred to is to the following effect (p. 148:)—"But, before they came to Berwick, the King ordered the Marquis, by a warrant in writing, yet extant under His Majesties hand, to try what way he could gain upon them, and discover the bottom of their intentions, how the estate of Bishops should be supplied in Parliament, and how far they intended to lessen the King's Authority. The King also allowed him to use what means he pleased, and speak to them what he thought fit; not onely authorizing, but requiring him to it, and warranting him, if he were ever questioned or accused for it by any. Bearing date at Berwick the 17th of July 1639."

\* Burnet, p. 149.



or offered to be disputed whether We have the Negative Voice or the sole power of Indicting, and consequently of Dissolving, except you see clearly that you can carry the same in Our Favours, stop the Dispute; and rather than it be decided against Us, stop the course of the Assembly until We be advertised.

For the better facilitating of Our other Services, and the more peaceable and plausible progress in all Businesses recommended to you, We allow you at any time you shall find most convenient, after the opening of the Assembly, to declare, That, notwithstanding Our Own Inclination, or any other Considerations, We are contented, for Our People's full satisfaction, to remit Episcopacy and the Estate of Bishops to the Freedom of the Assembly, but so as no respect be had to the Determination of the Point in the last Assembly.

But in giving way to the abolishing of Episcopacy, be careful that it be done without the appearing of any Warrant from the Bishops; and if any offer to appear for them, you are to inquire for their Warrant, and carry the Dispute so, as the Conclusion seem not to be made in prejudice of Episcopacy as unlawful, but onely in satisfaction to the People, for settling the present Disorders, and such other Reasons of State; but herein you must be careful that Our Intentions appear not to any.

You shall labour that Ministers deposed by the last Assembly, or Commissions flowing from them, for no other cause but the subscribing of the Petition or Declinator against the last Assembly, be, upon their Submission to the Determinations of this Assembly, reponed in their own Places; and such other Ministers as are deposed for no other faults, that they be tried of new; and if that cannot be, strive that Commissions may be directed from this Assembly for Trying and Censuring them according to the nature of their Process.

That immediately upon the Conclusion of this Assembly, you indiet another at some convenient time, as near the expiring of the Year as you can; and if you find that Aberdeen be not a Place agreeable, let Glasgow be the Place, and if that cannot give content, let it be elsewhere.

The General Assembly is not to meddle with any thing that is Civil, or which formerly hath been established by Act of Parliament, but upon His Majesties special Command or Warrant.

We will not allow of any Commissioners from the Assembly, nor no such Act as may give ground for the continuing of the Tables or Conventicles.

In case Episcopacy be abolished at this Assembly, you are to labour that We may have the power of chusing of so many Ministers as may represent the 14 Bishops in Parliament; or if that cannot be, that 14 others, whom we shall present, be agreed to, with a Power to chuse the Lords of the Articles for the Nobility for this time, untill the Business be further considered upon.

We allow that Episcopacy be abolished, for the Reasons contained in the Articles, and the Covenant 1580, for satisfaction of Our People, be subscribed, provided it be so conceived that thereby Our Subjects be not forced to abjure Episcopacy as a point of Popery, or contrary to God's Law or the Protestant Religion; but if they require it to be abjured as contrary to the Constitution of the Kirk of Scotland, you are to give way to it rather than to make a Breach.

After all Assembly-business is ended, immediately before Prayers you shall, in the fairest way you can, protest that, in respect of His Majesties Resolution of not coming in Person, and that His

Instructions to you were upon short advertisement, whereupon many things may have occurred wherein you have not had His Majesties Pleasure, therefore and for such other Reasons as occasion may furnish, you are to protest that, in case any thing hath escaped you, or hath been condescended upon in this present Assembly, prejudicial to His Majesties Service, that His Majesty may be heard for redress thereof in his own time and place.

We will not allow that, either by the Commissions already granted, nor upon no other Bill or Petition, any part of the burden of the Charges of the last Business be laid upon any of Our good Subjects, who have stood by Us, and have refused to subscribe their Bonds and Covenants.

That you stop the Signatures of the Rights of Kintyre, Abbaey of Dear, Abbaey of Scoon, and generally all Aets in favours of Covenanters, so far as you can, without stopping the ordinary course of Justice; and you are to consider withall how His Majesties Right to any of the aforesaid may be put on foot without making interruption to the present Business in hand.

You shall take a course whereby the Rents of all such Bishopricks as are vacant be detained, and either by Warrant of the Incumbent, or by Demission may be collected; and when any person shall be provided to these Benefices so vacant, Our Will is, that you take the same course with the Rents of these, as by these We do command you to doe with the rest of the Rents of the Bishopricks of Scotland, which is this, to cause draw up a formal Assignment to the whole Rents, Fruits, Customs, &c., belonging to the Bishoprick, whereof they are Bishop, to be subscribed by them to and in Our Favour; upon return whereof to you, you shall give Power and Commission to such Persons as you shall receive, under every one of their Hands, to collect and intromet with the aforesaid Rents of the several Bishopricks, and to deliver and be accountable to you for the same; and, upon your receipt thereof, you are to issue them out immediately again to the aforesaid Bishops, or any having their Warrant to that effect.

You shall hear the Complaints or Petitions of any of Our Subjects, or against any of Our Subjects, but such as you know to be Sufferers for refusing to joyn with the Covenanters in the Covenanting way; and you shall protect all such Persons by all the fair ways you can, and particularly Sir John Hay and Sir Robert Spottiswood.

If any thing occur either in Civil or Ecclesiastical Judicatory, wherein you have not Our express Will and Pleasure signified unto you, wherein you see clearly Our Royal and Princely Power and Authority prejudiced, We will you to acquaint Us therewith before any Proceeding be made.

You shall pay weekly for defence of Our Castle of Edinburgh an hundred Souldiers at eight pence per diem, besides the English Gunners and Artificers, at the Rates set down by the Marquis of Hamilton. And as for Ruthwen himself, you shall assign him the Rents of the Castle; and you shall likewise keep a competent number of Workmen for completing the Fortifications already begun, and shall withall provide the Castle with 6 moneths Victuals for the foresaid number of Souldiers and other Officers.

And as for Dumblaiton, you shall pay for the Defence thereof Souldiers at eight pence per diem, to the number of 40; allowing the Rents and other Customs thereof for paying the Captain and other Officers.

At Berwick, the 27<sup>th</sup> of July 1639.



1639.—August 6.

63. *Letter from the King to the Archbishop of St Andrews.\**

CHARLES R.

Right Trusty and Well-beloved Councillour,  
and Reverend Father in God, We greet  
you well.

Your Letter, and the rest of the Bishops, (sent by the Elect of Caithnes) to my Lord of Cautebury, hath been shown by him to Us; and after serious Consideration of the Contents thereof, We have thought fit Our Self to return this Answer to you, for Direction according to Our Promise, which you are to communicate to the rest of your Brethren.

We do in part approve of what you have advised concerning the Prorogating of the Assembly and Parliament, and must acknowledge it to be grounded upon Reason enough, were Reason only to be thought on in this Business; but considering the present state of Our Affairs, and what We have promised in the Articles of Pacification, We may not (as We conceive) without great prejudice to Our Self and Service, condescend thereunto; wherefore We are resolved, nay, rather necessitated, to hold the Assembly and Parliament at the time and place appointed. And, for that end, We have nominated the Earl of Traquair Our Commissioner, to whom We have given Instructions, not only how to carry himself at the same, but a Charge also to have a special care of your Lordships, and those of the inferiour Clergy, who have suffered for their Duty to God and Obedience to Our Commauds. And We doe hereby assure you, that it shall be still one of Our chiefest Studies, how to rectifie and establish the Government of that Church aright, and to repair your losses, which We desire you to be most confident of.

As for your Meeting to treat of the Affairs of the Church, We do not see at this time how that can be done; for within Our Kingdom of Scotland, We cannot promise you any place of Safety, and in any other of Our Dominions We cannot hold it convenient, all things considered: wherefore We conceive that the best way will be for your Lordships to give in, by way of Protestation or Remonstrance, your Exceptions against this Assembly and Parliament to Our Commissioner, which may be sent by any mean man, so he be Trusty, and deliver it at his entering into the Church; but We would not have it to be either read or argued in this Meeting, where nothing but Partiality is to be expected, but to be represented to Us by him, which We promise to take so in consideration, as becometh a Prince sensible of His Own Interest and Honour, joined with the equity of your Desires; and you may rest secure, that, though perhaps We may give way for the present to that which will be prejudicial both to the Church and Our Own Government, yet We shall not leave thinking, in time, how to remedy both.

We must likewise intimate unto you, that We are so far from conceiving it expedient for you, or any of my Lords of the Clergy, to be present at this Meeting, as We doe absolutely discharge your going thither, and, for your absence, this shall be to you and every one of you a sufficient Warrant. In the interim, your best Course will be to remain in Our Kingdom of England, till such time as you

receive Our further Order, where We shall provide for your Subsistence, though not in that measure as We could wish, yet in such a way as you shall not be in want.

Thus you have Our Pleasure briefly signified unto you, which We doubt not but you will take in good part; you cannot but know, that what We doe in this We are uecessitated to. So We bid you farewell.

Whitehall, Aug. 6, 1639.

1639.—August 10 & 11.

64. *Declinator by the Scotch Prelates, in obedience to the King's Letter.\**

Whereas His Majesty, out of His surpassing Goodness, was pleased to indict another National Assembly for rectifying the present Disorders in the Church, and repealing the Acts concluded in the late pretended Assembly at Glasgow, against all right and reason, charging and commanding us the Archbishops and Bishops of the Church of Scotland, and others that have place therein, to meet at Edinburgh the 12th of August iustant, in hopes that, by a peaceable Treaty and Conference, matters should have been brought to a wished Peace and Unity; and that now we perceive all these Hopes disappointed, the Authors of the present Schism and Division proceeding in their wonted courses of Wrong and Violence, as hath appeared in their presumptuous Protestation against the said Indiction, and in the bussiness they have made throughout the Country for electing Ministers and Laicks of their Faction to make up the said Assembly; whereby it is evident that the same or worse effects must needs ensue upon the present Meeting, than were seen to follow the former.

We, therefore, the Under-subscribers, for discharge of our Duties to God and to the Church, committed to our Government, under our Sovereign Lord the Kings Majesty, Protest, as in our former Declinatour, as well for our Selves as in name of the Church of Scotland, and so many as shall adhere to this our Protestation, That the present pretended Assembly be holden and reputed null in Law, as consisting and made up partly of Laical persons that have no Office in the Church of God, partly of refractory, schismatical, and perjured Ministers, that, contrary to their Oaths and Subscriptions, from which no Humane power could absolve them, have filthily resiled, and so made themselves to the present and future Ages most infamous; and that no Churchman be bound to appear before them, nor any Citation, Admonition, Certification, or Act whatsoever, proceeding from the said pretended Meeting, be prejudicial to the Jurisdiction, Liberties, Priviledges, Rents, Possessions, and Benefices belonging to the Church, nor to any Acts of former General Assemblies, Acts of Council, or Parliament made in favours thereof; but to the contrary, That all such Acts and Deeds, and every one of them, are and shall be reputed unjust, partial, and illegal, with all that may follow thereupon. And this our Protestation we humbly desire may be presented to His Majesty, whom we do humbly supplicate, according to the Practice of Christian Emperours in Ancient times, to convene the Clergy of His whole Domiuions, for remedying the present Schism and Division, unto whose Judgement and Determination we promise to submit our Selves, and all our Proceedings.

Given under our hands at Morpeth, Berwick,

\* Burnet, p. 154. "Penned" by Hamilton, and "interlined" by Canterbury.—Burnet, p. 153.

\* Burnet, p. 155.



and Holy Island, the tenth and eleventh of August 1639.

Signed, St Andrews, Wal. Brechlinen,  
Da. Edinburgen, Ja. Lismoren,  
Jo. Rossen, Ad. Aberdon.  
Th. Galloway.

1639.—August 20.

65. *Letter from the King to Traquair.*

CHARLES R.

Right Trusty,

We have hitherto commanded Hamilton to answer several of your Letters; but that of the 16<sup>th</sup> of August being of more weight than any of your former, We have thought fit to answer it Our Self.

And whereas you say, that nothing will satisfie them, except *in terminis* the last Assembly be named and ratified, or that way be given to the discharging Episcopacy as abjured in that Church, as contrary to the Confession of Faith 1580, and the Constitutions of the same, you being yet in some hope, that the word *Abjured* may be got changed, and that in drawing up the words of the Act it be onely condemned, as contrary to the Constitution of that Church; We in this point leave you to your Instructions, they being full, if you consider what We have said concerning Episcopacy, and subscribing the Confession of Faith 1580: We thinking it fit to declare hereupon unto you, that let their Madness be what it will, further than We have declared in Our Instructions in these points, We will not go.

For the Service-book and Book of the Canons, though We have been and are content it be discharged; yet We will never give Our Voice nor Assent, that they be condemned as containing divers Heads of Popery and Superstition. In like manner, though We have been and are content, that the High Commission be discharged; yet We will never acknowledge that it is without Law, or destructive to the Civil and Ecclesiastical Judicatories of that Our Kingdom, nor that the Five Articles of Perth, though discharged with Our Approbation, be condemned as contrary to the foresaid Confession. As concerning the late Assemblies, We cannot give Our Consent to have them declared null, since they were so notoriously Our Father (of Happy Memory) His Acts: It seeming strange, that We having condescended to the taking away all these things that they complained of, which were done in those Assemblies, they will not be content therewith, without laying an Apersion on Our Fathers Actions. Wherefore if the Assembly will in despite of your Endeavours conclude contrary to this, you are to protest against their Proceedings in these points, and be sure not to ratifie them in Parliament.

Concerning the yearly indicting of General Assemblies, and the Confession of Faith, We commanded Hamilton in his of the 16<sup>th</sup> to answer that point to this effect: That We think it infinitely to Our Prejudice, that We should consent to tie Our Self for the keeping yearly of their Assemblies, not needing to repeat the Reasons, they being well enough known to you; seeing at Berwick it was conceived upon debate of that Point, that your having Power to indict a New one within the Year, would save that dispute, which you are by all means to eschew. But if this will not give satisfaction, you are by no means to give your assent to any such Act, nor to ratifie the same in Parliament.

The Article in your Instructions, which is onely,

That the Covenant 1580 shall be subscribed, you must have an especial care of, and how you proceed therein: That the Bond be the same which was in Our Fathers time, *mutatis mutandis*; and that you give your Assent no other ways to the Interpretations thereof then may stand with Our future Intentions, well-known to you: nor is the same otherways to be ratified in Parliament.

Thus you have Our Pleasure fully signified in every particular of your Letter, which you will find no ways contrary to Our Resolution taken at Berwick, and Our Instructions given to you there. But if the Madness of Our Subjects be such, that they will not rest satisfied with what We have given you Power and Authority to condescend to, which notwithstanding all their Insolencies We shall allow you to make good to them, We take God to witness, that what Misery soever shall fall to that Country hereafter, it is no fault of Ours, but their own procurement. And hereupon We do command you, that if you cannot compose this Business according to Our Instructions, and what We have now written, that you prorogue the Parliament till the next Spring; and that you think upon some course how you may make publickly known to all Our Subjects, what We had given you Power to condescend to. And because it is not improbable that this way may produce a present Rupture, you are to warn and assist Ruthven for the defence of the Castle of Edinburgh, and to take in general the like care of all Our Houses and Forts in that Kingdom; and likewise to advertise all such who are affected to Our Service, that timously they may secure themselves. And so We bid you heartily farewell.

1639.—August [10, 12,] 30.

66. *Declarations by Traquair as Commissioner.\**

At a Sederunt of the Privy Council, on 10<sup>th</sup> August 1639, a Letter from the King (dated 6<sup>th</sup>) was produced and recorded, intimating the appointment of Traquair as Commissioner to the Assembly and Parliament, in which his Majesty required their Lordships "not onlie to attend at the said Assemblie and Parliament, but to concurre and assist our said Commissioner in ewerie thing may concerne our service, as he sall requyre yow, or communicat with yow frome time to time;" and they, "in all humble obedience, promist to attend at the said Assemblie and Parliament, and to concurre with the said Lord Commissioners Grace in ewerie thing conforme to his Majesties said Letter." On the 12<sup>th</sup> of August, his Lordship appeared at another Sederunt of Council, and produced his commission. And, on the 30<sup>th</sup> of that month, at another sederunt, the Earl of Rothes, and others, as commissioners, appeared in the Council, and gave in a petition and declaration relative to the subscription of the Confession and Covenant, and bearing that the Council would interpone its authority, which was done accordingly. Immediately after, of the same date, there is the following Minute, which we transcribe from the register as important, inasmuch as there is a marginal note adjoined to it in the following terms:—"Decimo tertio Augusti, 1641. *Delatt at Command, and in presence of the Estaittis of Parliament.*" These minutes are essential to the full

\* Burnet, p. 156.

\* Privy Council Record.



understanding of the position in which all parties stood at the close of this Assembly, previously to the meeting of Parliament, after various prorogations, in the autumn of 1639.

And sicklyke the forsaid day, the Lord Commissioner desyred of the Lords of Privie Counsell, that the severall declarations made and emitted be him, in the Generall Assemblie, might be insert and registrat in the Books of Privie Counsell, therein to remain *ad futuram rei memoriam*; quhilk desyre the saidis Lordis fand reasonable, and have ordaint and ordainis the saids declarations to be insert and registrat in the Books of Privie Counsell, quherof the tenor followis :—

I, Johne Earle of Traquaire, His Majesties Commissioner in this present Assemblie, Doe, in his Majesties name, Declare, That notwithstanding of his Majesties owne inclination, and manie other grave and weightie reasons moving him, zit suche is his incomparable goodnes towards his subjectis of this Kingdome, that for giving satisfaction to his people, and for queting of the present distractions, He doth consent that the Five Articles of Perth, the Government of the Kirk by Bishops, Civill Places and power of Kirkmen, be declared unlawfull withiu this Kirk, as contrare to the constitutions thereof.

And I doe alwayes hereby declare, that the practice of the premiss, prohibit within this Kirk and Kingdome, sall neither bind nor inferre censure agains the practisers outwith the Kingdome. And farder, declare that the word *occasional*, in the end of the Act of the date the 17<sup>th</sup> of this iustant, wes not in the draught agreed upon with me in presence of the Counsell, but was thereafter addit in the Assemblie, without my knowledge or consent. Farther, I declare, whatever is allowed be me in this Assemblie, is ueirlic and onelic as ane Act of this Assemblie, without anie respect or relation to the last pretendit Assemblie at Glasgou.

And because that manie things have occurred in the present Assemblie which may concerne Patronages belonging either to the Crowne, Bishopricks, or others his Majesties good subjects, as also by finding Civill Places and power of Kirkmen unlawfull, his Majestie may be prejudgit in Parliament, and least heirby or by anie otheract, civill power and auctoritie may be wronged by my weaknes, or not tymelic animadverting thereto, I declare and protest that his Majestie may be hard for redresse in its owne tyme and place.

And I declare lykewayes, that whatever Commission and Commissions are direct frome the Assemblie, whiche may import or occasion anie other meetings or conventions of the subjects then the ordinarie meetings of Kirk Sessions, Presbyteries, Synods, and suche as are allowed be the Lawis of this Kingdome, that the same is null and of no effect, and altogether disassented to by me.

1639.—October 1.

67. *Letter from the King to Traquair.\**

CHARLES R.

Right Trusty, &c.

Your Letter of September the 27<sup>th</sup> to Hamilton We have seen, and think fit to return Answer thereunto Our Self; and the rather because We find by yours, that some Points in the former Letter were

not so fully expressed, but that you desire more clear Answers. First you say, that in all your Directions it is condescended, that by Act of Assembly Episcopacy should be declared unlawful in this Kirk; and that by all the Capitulations of Agreement, and Instructions given to you, that same is allowed to be ratified in Parliament upon the foresaid terms agreed upon in the Assembly. In this Point We must tell you, that you are much mistaken: for though you have Power for giving way to the Abolition of Episcopacy, as contrary to the Constitutions of the Church of Scotland; yet you will not find either in your Instructions, or any other Direction since sent you, that We have consented to declare the same Unlawful: We making a great difference therein, for many things may be contrary to the Constitutions of a Church, which of themselves are not simply unlawful; for whatsoever is absolutely unlawful in one Church, cannot be lawful in the other of the same Profession of Religion, but there may be many several Constitutions, and yet they all lawful. Therefore if I do acknowledge or consent, That Episcopacy is unlawful in the Church of Scotland, though as you have set it down in your consenting to the Act, the word Unlawful may seem onely to have a relation to the Constitutions of that Kirk; yet the Construction thereof doth run so doubtfully, that it may be probably inferred, That the same Function is acknowledged by Us to be unlawful in any other Churches in Our Dominions. Therefore as we totally disapprove of your consenting to the word Unlawful, as well to the Function, as Civil Places and Power of Churchmen, in the Act of the General Assembly: so We absolutely command you not to ratifie the same in these terms in the Parliament, but onely as contrary to the Constitutions of that Kirk; and to declare, that We ratifie this Act meerly for the Peace of the Land, though otherwise in Our Own Judgment We neither hold it convenient nor fitting; which you are to declare at the Ratifying of the same. And for the rest of your Declaration in the Assembly, to be registered in the Books of Council, for brevities sake We send you herewith a Copy of the same, as likewise that of the Covenant, interlined in those places which We disapprove of, and conceive to be the contrary to your Instructions, and some other Directions.

As We have formerly written to you, We cannot consent to the rescinding any Acts of Parliament made in favour of Episcopacy; nor do We conceive that Our refusal to abolish those Acts is contradictory to what We have consented to, or to that we was obliged to: there is less danger in discovering any future Intentions of Ours, or at the best letting them guess at the same, than if We should permit the rescinding those Acts of Parliament, which Our Father with so much expence of Time and Industry established, and which may hereafter be of so great use to Us. And though it should perhaps cast all loose, (as you express;) yet We take God to witness, We have permitted them to doe many things in this Assembly, for establishing of Peace, contrary to Our Own Judgment. And if on this point a Rupture happen, We cannot help it; the fault is on their own part, which one day they may smart for. So you have in this Point Our full Resolution.

We likewise wrote formerly to you, that We thought it not fit at this time, that the Power of the Lords of the Articles should be defined, and that you are to avoid the same, and to be sure not to consent thereunto. Now your last Letter gives Us ground to repeat the same again, and to declare to you, that We remain in Our former Opinion.

\* Burnet, p. 158.



And whereas you say, that it is to no purpose to vex Us with all the indiscreet and mad Propositions that are made, since they go about not onely to reform all pretended Abuses, of what nature soever, but to constitute and define the Power of all Judicatories from the highest to the lowest, and that you are like to agree in few or none of the General Acts: If you find, that what We have commanded you to doe is likely to cause a Rupture, their impertinent Motions give you a fair occasion to make it appear to the World, that We have condescended to all matters which can be pretended to concern Conscience and Religion; and that now they aim at nothing but the Overthrow of Royal Authority, contrary to all their Professions, which We can neither with Honour nor Safety suffer. And therefore We hope and expect, that if a Rupture happen, you will make this appear to be the cause thereof, and not Religion, which you know not onely to be true, but must see it will be of great advantage to Us, and therefore must be seriously intended by you.

We have no Directions of new to give you, concerning the Marquis of Huntley, Sir Donald Mackdonald, or any others to whom Malice is carried for their Zeal for Our Service, but again recommend them to your care.

What hath past betwixt your self and the Earl of Argyle, We have heard nothing of; but We are easily induced to believe, that what you wrote of his undutiful Carriage is true, and that you will easily make it appear, to which We will give no unwilling Ear.

Thus you have your last Letter answered, with what for the present and on such a sudden hath come into Our thoughts: and so We bid you Farewell.

Whitehall, Octob. 1, 1639.

63. *Roll of the Members of the General Assembly—*  
1639.

THE EARL OF TRAQUAIR, *Commissioner.*

MR DAVID DICK, *Moderator.*

The following Roll is incomplete—the only copy of it that we have been able to discover, being defective. It is in the repositories of the Church; and several folios of the MS. in which it is written are torn off. We give the fragment, however, as we find it, as an index to the class of persons of which the Assembly was composed.

\* \* \* \*

*Presbytery of Hamilton.*

Maister James Johnstone, M. at Stenhous.

Mr Johne Herriot, M. at Blantyre.

R. Elder, Robert Hammaltowne of Mylneburne.

*P. Lanerke.*

Mr Williame Livingstone, M. at Lanerk.

Mr Alex<sup>r</sup> Somervell, M. at Dolfingtowne.

Mr Richard Inglis, M. at Nobstone.

Elder, Mr Williame Bailzie of Lamingtowne.

*B. Lanerke.*

Gideon Jacke, Bailzie.

*P. St Androis.*

Mr Androw Auchenleck, M. at Largo.

Mr James Bruce, M. at Kingsbarns.

Mr George Hammiltowne, M. at Newburne.

R. Elder, John Lord Sinclair.

*B. St Androis.*

James Sword.

*Universitie of St Androis.*

Mr David Forrett, one of the M<sup>rs</sup> of the auld Colledg:

*Burgher of Carreill.*

—— Hammiltowne, Bailzie.

*Burt. of Kilreny.*

Thomas Sympsone, Towne Clerk.

*B. Anstruther, Eister.*

Williame Hammiltowne, Burges.

*B. Anstruther, Wester.*

Joh Tullois, Clerke.

*B. of Pettineweyme.*

James Airthe, Commone Clerke.

*P. Cowper.*

Mr John Mc Gill, M. at

Mr W<sup>m</sup> Bennett, M. at Monimell.

Mr Walter Grege, M. at Balmerinoche.

John Lord Lyndesay, R. Elder.

*B. of Cowper.*

George Jamesone, Merchand.

*P. Kirkaldie.*

Mr Rob<sup>t</sup> Douglas, M. at Kirkaldie.

Mr Fredrick Carmichael, M. at Kenway.

Mr Robert Cranstone, M. at Scoone.

R. Elder, Johne Erle of Rothes.

*B. of Kirkaldie.*

John Williamsone, Burges.

*B. Dysart.*

David Sympsone of Montorpie.

*B. Kinghorne.*

Mr Robert Cunynghame, Burges.

*B. Bruntling.*

George Gairne, Bailzie.

*P. Dumfermling.*

Mr Johne Row, M. at Carnoke.

Mr Johne Duncane, M. at Culros.

Mr James Sibbet, M. at Torrie.

R. Elder, Robert Lord Burley.

*Brughe of Dumfermling.*

James Reid, Provost.

*B. Culros.*

George Bruce of Carnoke.

*B. Innerkeithnie.*

—— Marke.

*P. Dumblane.*

Mr Henrie Livingston, M. at Kippen.

Mr Androw Reid, M. at Tillicultrie.

Mr W<sup>m</sup> Edmonstone, M. at Kilmadock.

R. Elder, Sir George Stirling of Kers, Knigt.

*P. of Achterarder.*

Mr George Muschett, M. at Donyng.

Mr James Row, M. at Muthill.

Mr John Erskine, M. at Achterarder.

R. Elder, Mr George Grahame of Inchbrakie.

*P. of Perth.*

Mr Robert Murray, M. at Methvene.

Mr John Robertstone, M. at Perth.

Mr Alex<sup>r</sup> Petrie, M. at Rind.

R. Elder, Johne Moncreiff, Laird of Moncreiff.

*B. of Perth.*

James Dundie, Bailzie.

*P. Dunkeld.*

Mr William Menzies, M. at Kenmuir.

Mr John Andersone, M. at Curygale.

Mr Johne Strachane, M. at

Ruling Elder, Mungow Campbell, fear of Lawreis.

*P. Meigill.*

Mr George Somer, M. at Megill.

Mr George Halyburtowne, M. at Glenyllay.

Elder, James Lord Cowper.

*P. Dundie.*

Mr Androw Wood, M. at Monyfurthe.

Mr John Robertstone, M. at Ocherhous.

R. Elder, David Grahame of Fintrye.



*B. of Dundye.*  
James Fletcher, Provost.  
*P. Forfar.*  
Mr John Lyndsay, M. Aberlemno.  
Mr Silvester Lamy, M. at Slanes.  
Mr Alex<sup>r</sup> Kinningmont, M. at Kilmaur.  
R. Elder, James Lyone of Albar.  
*Bur<sup>t</sup> of Forfar.*  
David Hunter, Provost.  
*P. Brechen.*  
Mr Johne Weymes.  
Mr James Crichtowne.  
Mr Lawrence Skinner,  
R. Elder, James Erle of Montrois.  
*B. Brichen.*  
Robert Dempster.  
*B. Montrois.*  
Johne Gorgeinc, Bailzie.  
*P. Arbrothk.*  
Mr Alex<sup>r</sup> Inglis, at St Vigeanes.  
R. Elder, Johne Auchterlony of Corne.  
*B. Arbrothe.*  
Mr George Inglis, Burges.  
*P. Merins.*  
Mr James Reid, M. at Abernethc.  
Mr Andrew Mylne, at Fitteresse.  
Mr Alex<sup>r</sup> Sympsone, M. at Canvath.  
R. Elder, Sir Robert Grahame of Morphy.  
*P. Aberdeine.*  
Mr David Lyndsay, M. at Ballhelvie.  
Mr Andrew Abercrommy, M. at Fentry.  
R. Elder, Johne Erle of Kinghorne.  
*Universitie of Aberdeine.*  
\* \* \* \* \*  
*B. of Aberdeine.*  
\* \* \* \* \*  
*P. Deer.*  
Mr James Martene, M. at Peterhead.  
Mr W<sup>m</sup> Forbes, M. at Fraserbrugh.  
Mr W<sup>m</sup> Jafray, M. at Aeth riddell.  
R. Elder, George Blair of Auchmedden.  
*P. Alfuir.*  
Mr Andrew Strachan, M. at Tillinessel.  
Mr W<sup>m</sup> Davidstoune, M. at Kildrumy.  
Mr Rob<sup>t</sup> Scheine, M. at Forbes.  
R. Elder, Mr James Forbes of Hamiltowne.  
*P. Eilon.*  
Mr W<sup>m</sup> Strachan, M. Muthlick.  
R. Elder, William Setoune of Shithine.  
*P. Turroff.*  
Mr Thomas Mitchell, M. at Turroff.  
Mr George Sharpe, M. at Shyve.  
R. Elder, Charles Erle of Dumfermling.  
*P. Kinkarne.*  
Mr Robert Forbes, M. at Eight.  
R. Elder, W<sup>m</sup> Forbes, fear of Corsindell.  
*P. Garroche.*  
Mr William Wedderburne, M. at Buthelue.  
R. Elder, John Erskine of Balbeardy.  
*P. Fordyce.*  
Mr Alex<sup>r</sup> Seatoune, M. at Banffe.  
R. Elder, Sir Alex<sup>r</sup> Abercrombie, Kny<sup>t</sup>.  
*B. of Coulen.*  
George Hempsyd, Bailzie.  
*B. of Bampf.*  
Andrew Baird.  
*B. Elgyne.*  
Mr John Dowglas.  
*P. Elgyne.*  
Mr Gawine Dumbur, M. at Alnes.  
Mr Alex<sup>r</sup> Spence, at Briney.  
R. Elder, Thomas McKenzie, of Pluscardy.  
*P. Aberlour.*  
Mr Jo<sup>n</sup> Weymes, M. at Rothcs.

R. Elder, Walter Innes.  
*P. Strabogie.*  
Mr W<sup>m</sup> Mylne, M. at Glasse.  
R. Elder, Patrick Gibsone.  
*P. Forres.*  
Mr Patrick Tulloche, M. at Forres.  
Mr Jo<sup>n</sup> Brodie, M. at Auldyrne.  
Mr W<sup>m</sup> Falconer, M. at Dycke.  
R. Elder, Pa. Campbell of Bothc.  
*B. Forres.*  
Mr Johne Dumbur.  
*P. Innernes.*  
Mr James Vaiss, M. at Croy.  
Mr W<sup>m</sup> Frisell, M. at Canvel.  
Ruling Elder, Mr James Campbell of Moy.  
*B. Innernes.*  
Duncan Forbes, of Coulloden, Burges.  
*P. Chanrie.*  
Mr George Monro, M. at Sidney.  
Mr Gilbert Murray, M. at Tain.  
Mr David Ros, M. at Logie.  
R. Elder, Walter Innes, of Innerbrekie.  
*B. Tain.*  
Thomas McCulloche, Bailzie.  
*P. Dingwall.*  
Mr David Monro, M. at Killairne.  
Mr Murdoche McKenzie, M. at Contane.  
R. Elder, Sir Johne McKenzie, of Tarbat.  
*P. Dornoeche, in Sutherland.*  
Mr Alex<sup>r</sup> Monro, M. at Dornoeche.  
Mr William Gray, M. at Clyne.  
Mr George Sutherland, M. at Rogard.  
R. Elder, George Gordowne, brother to the E le  
of Sutherland.  
*P. Thurso, in Kaithnes.*  
Mr George Lesslie, M. in Bower.  
R. Elder, Johne Maister, of Birrindaill.  
*B. of Wick.*  
\* \* \* \* \*  
*P. Shetland.*  
Mr William Umphray, M. at Brassay.

### Report of the Proceedings OF

#### THE LATE GENERALL ASSEMBLY,

Indicted by the Kings Majestie, and Holden at  
Edinburgh, the 12 of August, 1639. THE EARLE  
OF TRAQUAIR, Commissioner for the Kings Ma-  
jestic, 1639.\*

*A Sermon preached by the Reverend Mr Alex. Hen-  
dersone, before the sitting doune of the Gen. As-  
sembly begun the 12 of August, 1639.*

#### THE PREFACE.

We have now found an accesse to a Throne of  
Grace, and I pray God that these that are assembled  
here together to get this worke crowned, may first  
labour to get these two thinges removed:—first,  
the conscience of our guiltinesse; apace, there are  
none that decernes or considers their sinnes! One  
thing should move our hearts—that the commons of  
the land are so ignorant that they know not God,  
and from that proceeds such wickednes. If pastors  
had beene more diligent in instructing, this Church  
had had a better face ere now: 2, Our weaknesse  
staves as a mountaine, and we cannot climbe unles  
we be helped. There is no remcadie but the bright-

\* Folio MS., from f. 169 to f. 211.



nes of His mercie, that he would discipat this cloud ; and no remeadie for our weaknes but the power of his might. Let us therefore begg the same in the name of Jesus.

*The text, Acts 5, 33 verse, to the end.*

Now when they heard it, they burst for anger and consulted to slay them.

Then stood there up in the Councell a certaine Pharisee named Gamaliel, a Doctour of the Law, honoured of all the people, and commanded to put the Apostles furth for a little space, and said—Men of Israell, take head to yourselves, what ye intend to do touching these men, &c.

The words that were spoken by Peter and the other Apostles, could give no just cause of provocation to the adversaries ; for in their doctrine they insisted upon two innocent points : ane was faith in Christ—that since the Lord whom they crucified was now exalted to be a prince, that therefore they might believe in him and get remission of sinnes ; and the other was obedience—they ought to obey God rather than man. Yet they resolved to kill them ; and had done so, if the Lord had not raised up a man to save them, and he prevailed, that their furie was layed, wherein the Apostles rejoyced and doubled their zeale.

There is four particulars in the text very considerable : 1, The bad effects the Apostles preaching had in the peoples hearts. 2, The meane that God did use in saving of his servands. 3, The unjust proceedings of the adversaries. 4, The disposition and diligence of the Apostles, that ceased not ; whereby you learne that oftentimes it comes to passe, that men in authoritie are provoked against religion. Whether in obedience to God, or in the tryell of their faith, yet the Lord hes many wayes to serve his aune children ; and the end shall be joy to the Saints and advancement to the Gospell.

Let us returne to the first, [which] was the bad effects of the preaching, and that was twofold : ane in their hearts, another in their heads. They were cutt to the heart. The word is borrowed fra the cutting of a sword or saw. In the 7 Acts it is said, “they gnashed with their teethe ;” and in the 2 Acts, 37, its said, “they were pricked in their hearts.” We find another effect, but its different. The ane and the other are verie like. 11 Rom. 8 v., he calles the spirit of slumber, the spirit of compunction. The godly have a pricking, and the wicked have a pricking, as in the place 2 Acts, 37, they were pricked and took counsell ; but they goe to them that wounded them, but they do not so here, but would slay them. The word of God hes very different effects in the godlie and the wicked. 1 Rev. 16, its like a two-edged sword ; and 4 Heb., lyvelie and mighty in operation. It either pricks or cutts ; its either a word to cure thee or to kill thee.

The Ministers of Christ, although they be other wayes of no reputation, yet if they could handle his sword aright, it should wound. The children of God, when they are wounded, should beare it patientlie : they are wounded because of their sin—the other because they cannot committ sin. So the ane prepares for Christ, the other for destruction. The ane shall end in health, the other in woe. And it may seeme very strange, that all this tyme we should never have heard of a Letter from our Prelats that have bene wounded with the sworde.

Men and brethren, I will not insist in their guiltinesse ; but we can say no more of them but what the text sayeth—which is, “they tooke counsell to kill us.” And now we come to the counsell they resolved to slay them. Counsell is good and excellent ; neither hath it bene derogatorie to authori-

tie ; for, as Solomon sayeth, “in counsell there is stabilitie.” These matters that are not agitat by counsell are tossed upon fantacy. As Solomon felt the benefite of using it, so Rehoboam found the evill of not using it ; first, because it was young ; secondlie, because it was violent. Consider the counsell of our adversaries. It was very violent ; but it had not the other, for the men wanted not their yeares ; yet they had this violence. They had another bad qualitie to supplie that, and this yow may learne from the 17 v. Many of them were Sadduces and so unmeit to be counsellors ; for in the 23 Acts, yow see they beleve not the resurrection ; and where such unbelievers and counsellours are, their sentence will be, “cutt the throat of Church and Commonwealth.” They care not what violence they use to get preferment—but especially Kirkmen that are Sadduces ; what crueltie shall be exercised by them—but especiallie when they are given over to the divell. Ministers, when they fall, are like angells that are divells. No men in Scripture are called divells but ministers ; so they become incarnat divells. Give God thanks and his Majestie that hes given us this day to meet together ; and no thanks to them, that either yow are hearing or I am preaching to yow.

Followes the meane—the second thing—which was the man that spoke, and his speache. The man was a Pharisee. Next, he was learned, and a Doctour of Divinitie ; for his good pairts of reputation, naturallie and politicallie wise ; and upon such grounds, that he convinces them all. And further, he seemes to be a peaceable man, and does what he can to save innocent blood. But there was ane thing wanting—that was in Christ, and love to the word. 22 Acts, it is said, Paul was brought up at the feet of Gamaliel. As was the schollar, so was his master. He was ignorant, and so a persecutour. There is more requyred for the accomplishment of a man than the gifts of the mynd, which this man seemes to have. A mans natural pairts are like a vesture of gold ; and the gifts of grace, are like the precious stones ; but this faith is like a precious diamond in the middle—incomparably greater in worth. Judge of kings according to their qualitie. The best of these, beside the great jewall, are given to the wicked and to the godlie, and are bestowed on them for other mens good, and not for their owne : but this propper to thyselfe and for thyselfe, and this jewall shall make thee rich, and it concernes none more then ministers. It is requyred of ministers that they should be learned, and in reputation with the people ; wise, peaceable disposed, and learned—*διδασκτικοί* ; although they cannot come to eminent, yet competent knowledge—1 Titus 5—to exhort, and comfort, and convince the enemy ; not like these men that hes instruments—sheares and tubbes to cutt off the wool and to carry their milk away ; but no care to feede them. I say they should be furnished with all thinges, both outwardlie and inwardlie ; and it is a pittie that we have not a Lebanon for tries to grow in—a professour here and a professour there. All the planting will soone be destroyed, and there be not a place for them. We are all crying for good ministers to have a care of the good plants. That is not learning to read a sermon, or to spoil it in the telling. It is a pittie those that boasts so should be so vaine, and as great a pittie that we have not sound divinitie. Many gets other mens preachings, and these that are learned should be given to such alterculatiouns ; yet and although thou were als learned as Gamaliel, and thou have no more, thou art not to be a minister of Christ. Yow know what entertainment the



Apostles gott at Athens: they mocked them. A man that hes a learned head and a gracieles heart, he is unmeit for Christs worke. Let us joyne both together. Of all men that ever I was acquainted with, I saw none so prophane as ministers. What was good in this man let us stryve to outmatch it; and what he wanted, let us labour to have our soules filled with the love of Christ, and thinke more of grace then learning.

Before I come to his speach, see not onlie Gods merceies, but also Gods providence. He uses his providence which his wisdom had designed; and there is two peeces of his providence here scene: one was first, the Lord brought them back from the doores of death when their soul was, as it were, in their hand; secondlie, by such a meane as they could not dreame of; and these two are very ordinarie with the Lord. When yow are in extremitie, he shewes himselfe and in such wayes, and we may truelie say, he hes done so with us—that when Episcopacie was deeplie rooted, even then God would eutt it downe. Wherefore doeth the Lord so? Answer, For three reasons—first, that when the Lord comes in extremitie, that his hand may be declaired, and he get the greater glorie—33 Isai 9. Lebanon is ashamed and eutt downe; secondlie, for the further confusion of the enemies—Obadiah 3, whose habitation is in the high rookes, who sayes in their hearts, who shall bring me down to the ground? thirdly, for our encouragement and our posteritie after us, that we should onlie put our confidence in Him who is only able to helpe us.

Now we come to the speach itselfe; wherein, first, take notice of his intention—restraine! He was a wise man, and knew no good would follow if they were harmed. He knew the Romans would be angrie, and that the people had a good likeing to them. This was a good and peaceable intention, though not a pure and pious; if he had any ayme to Gods glorie and to the gospell of Christ, it had been good. I make no question there is enough among us that have peaceable desires and laudable intentions; but more is requyred. Let us labour to have pious intentions, not only to have the present troubles settled. If it shall soone breake foorth againe, see what is agreeable to his will, *iste est malus qui suae causae bonus*, that is, good only for himselfe. Let us beseeche the Lord that we may have hearts to seeke his honour and the enlargement of Christs kingdome.

Now for his argument. I would have yow reframe from these men. If it be of God, it will come to passe. This argument had its owne weaknes. If it be of men it should be hindred; of God it should be furthered—Thes. 3—should have putt them to tryall. We will not passe what is commendable in him. He proceeds on a good ground—if of men to be rejected; if of God, to be received. 25 Matth. 25.—The baptism of John, was it from Heaven or of men? 4 Ephes.—Try the spirits whether they be of men or God. It was the perpetuall doctrine of the Prophets—“Thus saith the Lord:” and Paul saith, “That which I receaved doe I delyver.” Those that are disciples must be believers—not what man saith; first, that it is true in matters internall, but not in matters externall. Moses, when he is appoynted to build the tabernacle, he gets his directions. Solomon, when he built the temple, had his warrant from David; and least they thinke Solomons warrant not to be sufficient, Ezechia had his warrand according to the commandement of David. O, but you will say, its not so in the New Testament: there is not so many ceremonies. Its a pitifull thing we will not acknowledge that

which we are not ignorant of, distinguishe betweene multitude and number of ceremonies. They had many: we have fewer. Shall we thinke we have not so great light as they that were to put an aspersion on Christ? Let us stryve to learne what Gods will is. When it is of God, receive it; but when of men, reject it. Many ceremonies have exercised the Church of God many tymes, and especially that of the government of the Kirk: and there is twa causes that hinders the decyding of it—first, the hudge judgement of God upon the congregations, and so puts Gods servands to tryell. The second cause is the avarice of Churehmen. So long as their avarice lasts there is no end of Episcopacie. Thirdly, becaus we doe not examine what kynd of government Christ gave. The question of government is not *juris* but *facti*. Why? Is that agreeable with reason and civill government? No. But, *de facto*, what government Christ hath established. An office that is *jure divino*, should be established; but if it be an office of man, it ought to be rejected. This great Doctor teacheth us that when God fights against man, he shall prevaile; but when man fights against God, they shall be found fighting against him. 11 Gen.—The builders of Babel—the Lord made every one of them that they knew not what another said. This was an easie thing to the Lord: and so the worke was interrupted in building. The Lord is wonderful in building and bringing downe Babel. Great opposition was made against Joseph by his brethren, and great opposition against David; yet Gods counceill behoved to stand. What opposition was made against Joseph by his brethren, and great opposition against David; yet Gods counceill behoved to stand. What opposition was made against Gods people in Egypt, in bringing them out of Egypt; yet they behoved to come foorth; and yow know great opposition hes beene used against this worke be the wicked. But yet, blessed be God, it hath proclaimed itself through the land.

He brought in two instances to prove that the worke of man will come to nought—one of Thewdas—he was one that conceaved himselfe to be a prophet, but a false one; and Judas, he would have desuaded the people from giving that duetie to the civile magistrat that they ought to have done; and there were seets that followed them. The errours of religion commonlie springes either from the spirit of Thewdas, which is a spirit of fantasie; the other is the spirit of rebellion; and that's not of God neither.

Consider, although they be the manie, yet there is more lykewayes, as there are spirits contrare to the spirit of Thewdas, and this is the spirit of Pharoah—who said, “who is the Lord that I should serve him?” and that is Atheisme. The other is contrare to Judas, and that is Herods, that runnes to flattery, and gives man that that appertaines to God.

As Atheisme is an abomination before God, so is rebellion and flattery. The true reformed religion abhorres disobedience, and gives to Caesar that which is Caesars: and sure we professe a harmles religion. I would exhort you to it, 2 Kings, 1, To the course of faith which abhorres godlesnes and vaine conceits of men. I am now pleading for the innoeence of religion. Ye know what our adversaries have printed against us; that we are guiltie of many crymes and trickes, and that we have made people to fayne themselves inspired with the spirit of divination, which is against Gods trueth. The second thing is the course of obedience. There was never a greater friend to Kings then Christ. There



is no question now about Juda of Gallilees part, whether we should pay tax or not; neither of that inward reverence to princees, or that respect we carry to him. I wishe his owne prayers were never heard that doeth not heartillie pray for his Majestie. But the question is, What is his part in religion and matters ecclesiasticall? It is both said and printed, that I should have spooken much that my fellow-brethren and the rest of the Covenanters would not allow of. First, I said and say, that Royall inspeetion belongs to Kings over Kirk matters, and that the King was supreme Bishop of all this Kingdome. Now, my adversarie thinkes I made him a Kirkman. I am ignorant, but uot so. As for the head of the Kirk we acknowledge none but Christ; and for the other, *Episcopus* is a name that is als weill proper to a civile magistrat as spiritual: Therefore Constantine saith, *vos estis Episcopi intra, ego extra*. Nixt, that he is *custos utriusque tabule*. Vindication belongs unto him who carries the sword of sanetion and ecretion and convocation of Synods, as now this present Generall Assembly is conveined; and as he conveines, soe its said, examines them. If he find anything against the word of God, he should rejeet it. Thus I speake not of a negative voice his Majestie hath. And now I have shewen yow the particulars I have beine taxed upon, hoping this honourable Assembly will further consider of it; and now I come to speake ane word to your Commissioners Grace who represents his Majestie.

(The speache to the Commissioners Grace, which is the conelusion of the sermon.)

As for your Graee his Majesties Commissioner, we beseech yow to see that Caesar have his owne; but let not Caesar have what is due to God and belongs to him. God hes exalted your Graee to many high places within these few yeares, and more especiallie now. Be thankfull, and labour to exalt Christs throne. Some are exalted like Haman—some like Mordicai. And I pray God these good pairs the Lord hes endued yow withall, yow may use them aright, as the Israelites, when they came out of Egypt, did give all their silver and gold for building of the tabernacle. I tell your Graee yow must be eomptable for all your actions, espeaciallie in these publiet bussinesses. And to yow, right honourable and right worshipfull members of this Assembly, goe on in your zeale eonstantlie. Surelie it shall be refreshment to yow and your children, that yow should have lived when the light of the Gospell was almost extinguished, and now to see it quiekened againe.

After all these troubles, with a holy moderation, goe on; for zeale is a good servant but ane ill master; like a schippe that hes a full sail and wants a ruther.

We have need of Christian prudence; for ye know what ill speeches our adversaries have made upon us. Let it be seene to his Majestie, that this governement can very weill stand with a monarchieal governement. Hereby we shall gaine his Majesties favour, and God shall get the glorie; to whom be praise for ever and ever.—AMEN.

FINIS.

*The Proceedings of the late Solemne Assembly, holden at Edinburgh 12 of August 1639.*

Mr Alex<sup>r</sup> Hendersones Speache.

Surely so many of us as consider any thing of the ways of God toward us, and the conscience of our owne guiltinesse, may verily say, its of the mereies of God that we are not consumed: ffor we deserve no lesse than that. The Lord had mercie on us, and

brought us aince together before, after many defections and grosse backslydings, and vouchsafed the testimony of his divine presenee very sensible upon us, which should never be forgotten of us whilst we live. This is another mereie that the Lord hath been pleased, after so many troubles and tempests, hazarding all ehureh and kingdome, familie, persone, and estates, that he should grant us this calme and comfortable day to meete in, and that we have his libertie, under the protection of our sacred Sovereigne, the Kings Majestie. And now when we are assembled together, and hath all thinges externall in libertie and freedome, without any apparent danger for ought that we know, is there no more adoe? Yea truelie: though all the worthiest of this kingdome were here assembled, (as I thinke a great pairt of them be,) yet if the Lord do not vouchsafe his presenee upon us, our meeting shall be in vaine, and better it had beene for us not to have mett. Therefore let us request the Lord to remove these illes farre from us, that hath deserved he should desert us; and that he may looke eomfortable upon us, and that our soules may rejoyce in his presenee, we may have matter of praise to render to him, and matter of eomfort to our soules and the establishment of peace to this kirk and kingdome.

After in calling upon the name of God, the Moderatour desyred these that were authorized with commissions from Presbyteries, Universities, and other incorporations, to produce the same.

John, Earle of Traquair, Commissioner for the Kings Majestie.

The name of the Commissioners from Presbitries, Burghes, and Universities, as followes, &c. [Not inserted in M.S.]

After the production of the several commissions, the Kings Commissioner desyred that the tyme of their meeting might be eondiseendit upon; and whether it were convenient to have two sessions a day or not?

It was thought expedient to meete tomorrow at ten o'eloeke, and that tomorrow there should be but one sessione, and thereafter to be taken to the Assemblies consideration, if convenientlie two sessions could be kept.

Mr John Robertsons, and Mr Robert Murray appoynted to nominat some ministers to preache all the weake, and to give their names tomorrow.

Sess. 2.—*Hora Decima.*

August 13, 1639.

After in calling upon the name of God, the Kings Majesties Commissioner produced the Commission, which being red in face of the Assembly, the Commissioner his Grace desyred it might be insert in the Bookes of the Assembly, the tenor whereof followeth—"Carolus, Dei Gratia," &c.

The Commissioners Graee declared, that howsoever there was in him great weaknes and insuffienciencie for so weightie a charge, yet he hoped that he should make known unto the Assembly his Majesties graee and goodnes in that ingenuous way as should give satisfacione to all, and that not in a superficial and complimentary way; but since his Master had honoured him so farre, he desyred that (though his weaknes, for want of experience, might make him sometymes silent when it was fitting to speake, and other tymes to speake out of purpos,) the goodnes and wisdom of the reverend members might supplie his inlakes.

The Moderatour answered—There is none of us can bragg of our experience, becaus of the want of



Assemblies this long tyme agoe ; but we hope within twenty yeares our experience shall be greater.

Moderatour said—Please your Grace, the antient and laudable custome of Assemblies hath beene, that he that was Moderatour of the last Assemblie should propose a list of names, of the which number a new Moderatour may be chosen.

The Commissioner answered—I perceive no prejudice in that forme, since ye allow that if my Master have anything to say against these or to add to them.

The Moderatour craved libertie before the list was red to preface thus much—that since it was not possible to put all the worthies that were present on a list, therefore no man would take any offence.

*The List of the Names for a Moderatour.*

Mr W<sup>m</sup> Livingstoun, Mr Andro Cant,  
Mr David Dick,\* Mr Alexander Somervell.  
Mr James Bonar,

The Moderatour asked the Commissioner, if his Grace had any thing to except against these, or if his Grace had any other whom he would adde to them ?

The Commissioner answered—I have so charitable, yea, so Christian an opinion, that I believe none can come heir but with the intention and resolution that yow have so often expressed, looking to nothing but to Gods glorie and next to the Kings honour. Not that I have prejudice against any that are here—surely none—but considering my Masters directions are so faire and so plaine, that I believe, as he intends nothing but settling of truth and freeing us of feares that we might be possessed with, either for novation in religion or lawes : so I believe, yea I expect and am confident, that everie man that comes heir resolves to carry himselfe with that integritie as in the eyes of God, to whom they must make answer ; and as standing to doe that duetie which in the second parte belongs to our gracious Sovereigne : for myselfe, I may know some men by acquaintance, and thereupon may have opinion ; but I attest God I have no prejudice against these on the list, nor any that are here ; yet I desire that yow yourselfe Moderatour may be both added to the list and may be Moderatour still ; and this I desire for no other end but because I believe it may contribute much to the worke in hand. Howsoever, I submit myselfe to the judgement of the rest.

The Moderatour answered—If your Grace had continued in the last Assemblie, your Grace might have scene as much of my weaknes made manifest at that tyme as should have beene a sufficient prevention of listing me at this tyme. I trust I shall not need to speake much. I have enough if I be prest with it, whereby I shall make it manifest to this whole meeting, that I cannot be continued in this place.

The Commissioner said—I doe insist in this for no other end truelie but that I have already said. Since I am requyred to delyver my opinion, I may doe it upon my knowledge ; and I doubt nothing but if the gifts and worthe of many reverend men

\* It may be proper to explain that Mr David *Dick*, whose name is so often introduced as taking a part in the proceedings of these Assemblies, is the same person as Mr David *Dickson*, minister of Irvine. This abbreviation of his name appears throughout all the MS. reports we have seen, although, in the list of members, 1638, and other documents, it is given at full length. This abbreviation, we presume, has arisen from some colloquial and conventional usage at the time ; but it is right to note the circumstance, in order to prevent mistakes.

who are here were knowen unto me, but it might be I should voice with them ; but truly, by my insisting for this, I feir I wrang the end I goe about, and I know not weill how to expresse myselfe in it, and safe myselfe from seeming to give ground of feires of that I seeke to eschue, to witt, that I am free of prejudice. Alwayes I name the Moderatour for no other end (as God shall save me) but becaus I thinke him both an honest man and an able man, and I thinke this doeth nather establishe a constancie of Moderatours nor open a doore to it ; for though our Judgments doe now find yow to be the man whom we inelyne to, yet since it is not the freedome of voicing, I thinke yow have no more interest in it then any upon the list ; and if I now urging this as a priviledge due to my Master, or if I were urging that my nominating of ane should make the Moderatour, it were much ; but let everie Member of the Assemblie consider of it, and of everie readie way to facilitat this matter in hand ; for if I knew any man so able to supplie that rounge as the Moderatour, certainlie I should name him.

The Moderatour answered—By your Graces Speache, some may take great advantage to thinke that your Grace doeth contradict his Majesties late Declaration ;\* becaus its said there, yow may verie well judge what could be wiselie done in that Assemblie when they had such an ignorant Moderatour : and now your Grace giving me such a large testimonie, doeth directlie contradict his Majesties printed Declaration. But I correct myselfe. I trust it shall be found not to be his Majesties Declaration.

The Commissioner answered this with silence.

The Moderatour after added—We have great reason to blesse our God and to give humble and heartie thanks to the Kings Majestie for this peaceable and free Assemblie ; but we have so many jealousies upon the Usurpation of the Prelats in tyme past, that in trueth at the very first we scarre and are so affrayed, that we darre not meddle with any thing of that kynd. It savours of a constant Moderatour—the first step of Episcopacie ; and, in trueth, I have not a mynd to be a Bishop.

Ye might have bein ane.

It was questioned if the former Moderatour could be ane in the new list ?

Mr John Row said he had scene Assemblies this 50 yeares, and, to his judgement, he never saw it that the Moderatour of the former Assemblie was put on the list with these that were to be Moderatour the next Assemblie ; nevertheless, it was instanced out of the Assemblie Bookes, that the same Moderatour have been sometymes continued Moderatour of the next Assemblie.

It was condescendit upon that Mr Alex<sup>r</sup> Henderson should be added to the list. The list was read and the rolles called, and Mr David Dick was chosen Moderatour by the farr greatest part of the voices, who after the acknowledgement of his owne weaknes imbraced the office ; and having a calling from God and the honourable Assemblie. Mr Alex<sup>r</sup> Henrysone, rendering most heartie thanks to the Assemblie for their charitable construction of his weaknes, and wishing that no man should faygne any abilitie unto himselfe, dimitted his place.

*Mr David Dick, Moderatour, his Speech.*

The Moderatour, at his first entrie to the place, had

\* The “Large Declaration,” in which Henderson was vilified and depreciated.



this preface. This is more than we durst have craved of God, if we had looked to our owne deserving ; but since it hath beene His Majesties pleasure who rules heaven and earth, to looke upon our Gracious King, and move his heart to grant this freedome, we have reasone all of us to acknowledge Gods mercie to his Majestie and to us, and to acknowledge his Majesties goodnes, and to make verie welcome your Grace who is to represent his Majestie ; and I trust this Assembly will allow me verie weill to give thanks to the Moderatour who served in this rounne last, who, whatsoever you thought or said, God magnified himselfe in yow, and made your honestie and the caus in your hand cleare to many ; and to those to whom ye were most calumniat, so that both the Kings Commissioner and Councell have seene that yow have beene seeking God onlie, and no other thing—and the Lord bless yow ! Now, as the Commissioner spake verie fitlie that jealousies and suspitions would be farr away, becaus they are contrare to the signes professed by His Majestie, and whereof we have this evidence ; and contrare to the signes of ws ministers, who ought to be ministers of peace, ayming at nothing but Gods glorie and the weill of his Church : Therefore let us labour by all meanes to get ovr hearts single ; becaus in so doing ovr God will helpe us. And first, to thinke of overtures, how we may extirpat all grounds of suspition and jealousie which might be in brethrens hearts, becaus of the differences of judgments about the discipline of the Church, and that ceremonies that she has beene troubled with, may be turned in perpetuall oblivion. And seeing there is in usane mynd and heart toward God and peace, let us think upon some overtures, how we may open the bosome of this Kirk to all these who are penitent, or in any measure sensible of their misde-servings, (no these who deserves most expected, if the Lord gives them repentance), seeing we are these who professed ourselves to be men seeking God, trueth, and peace. Yea thirdlie, let us give evidence that we are single hearted toward these that are of a contrare religion, and that we have no mynd to insuare them, or handle them so as their owne consciences, upon their owne grounds could say, considering our rules, but rather how we shall get them informed of their scruples, heard, attendit, and waited upon, and by all meanes their mynd brought to this poynt of convietion that they know nothing but God and their owne salvation, and all in a verie moderat maner.

*The Tryell of the Commissions.*

After this the Assembly proceidit to the tryell and examination of the Commissions ; and the Moderatour desyred that if the Commissioner his Grace, or any Member of the Assembly had anything to object against the validitie or formalitie of the Commissions, that they would make declaration of the same.

[Commissioner] answered—I believe I shall be glad that there shall be few contrare opinions—yea, few contests anent the election of Commissioners at this tyme, and such is my gracious Masters desyre to have everie thing caried in a fair, ealm, and peaceable way at this Assembly ; for all his commands runnes thus, that in anything that should concerne him, I should give good example and begin, so that though I might object severall informalities, yet so desyrous is our Master of peace, that I only remonstrat it to yow to take it to your consideration. And for me, surely it shall be a very great informalitie which shall make me interrupt so good a worke.

The Moderatour said—We are glad to heare from your Grace expressions of peaceable intentions ; yet becaus something of that kinde may reflex upon our proceeding, therefore we should be glad to heare your Grace name these exceptions ; for we desyre not to be pardoned in a thing wherein we may be mended ; if there be reason to approve them, let them be approved ; and if there be reason to cast them, let them be casten.

The Commissioner said—I conceive there are grounds to cast elections—as, for example, I conceive that, in the choosing of Commissioners from Presbitries or Presbitrie, if it appeare that there have been moe Lay Elders then Ministers, I should not think it formall. Secondlie, if there be a Commissioner chosen where he never had his residence, and, consequentlie, where he is not ane Elder, I thinke it not formall. Thirdly, if any man be chosen Lay Elder, and yet not chosen Commissioner from that place where he is Elder, I think it not formall. Fourthlie, if a man be chosen laick Elder in ane place, and after reside in another place and be chosen there, I thinke that not formall. Fiftilie, if a man be a rebell and at the Kings horne, I cannot thinke his electione formall. These and many other of this kynde doe I represent unto your consideratione.

The Moderatour answered—Please your Grace : It wer a spending of lang tyme to dispute the question in generall. But if it please your Grace, either by yourselfe or by any other, to nominat these Commissioners against whom the exception is, and in their persone to dispute the question, and so either admit them upou reason or reject them upon reason ; ffor we professe we will tollerat no man against whom there is a just exception wherefore he should not heare be a Commissioner : therefore, when it comes to the particular, let the exception be nominat, and it shall be purged some way or els the man removed : therefore, if there be any within this house who hes any thing to object against the formalitie of the election of Commissioners, let them declair the same ; utherwayes we will hold our silence for ane approbation of all.

After the Commissioners wer approved by the whole Assembly,

The Moderatour said—The Assemblie is now constitut and the Members found perfyte : The Lord give a blessing unto it ! Therefore, if your Grace have any thing to say, it is now a fullie constitut Assembly, and the Judicatorie sett.

The Commissioner answered—I did not expect so great expedition ; but I am glad that yow take to your wise consideration all meanes that may facilitat so good a worke ; and since, as I was saying, in generall I am to communicat his Majesties mynd to this Assembly, which I hope shall give satisfactioun to all, I must first communicat to some in privat, that so it may be the better digested for publict audience ; therefore I desire that any thing materiall may be forborne this day, and that if there be any matter of lesse importanee, they may now be dispatched. To the which the Assembly acquiesced.

The Moderatour craved, that, in respect he was put upon the toppe of the bussinesse, and made the mouthe of the Assembly, that whatsoever might contribute to the good of the worke, they would not only all be willing in generall but in speeiall, to communicat to his assistance as a servant of the house, and, for that end, that libertie might be granted to him to joyne some assessours to himselfe, as, namely, the Earles Argyle, Rothes, Eglington, Montrois, my Lord Lowdown : Ministers—



Mr Alex<sup>r</sup> Henrysone, Androw Ramsay, Harry Rollock, John Ker, David Lindsay, Robert Douglas, William Livingstone: Commissioners or laick Elders—the Lairds of Haughtone, Moncreiff, Auld-barre, Wedderburne.

This was refused to be past in Act: but the Assembly granted to the Moderatour to crave their assistance in privat, with the Commissioner his Graces consent.

The Assembly, for the greater facilitating of bussines, did appoynt a Commission for receaving of Billes that were to be given in to the Assembly, namely: Ministers—Masters David Lindsay, Robert Douglas, Andro Fleck, William Jamesone, Frederick Carmichell, David Monro, George Leslie: Elders—the Earle of Cassilles, my Lord Burle, my Lord Johnstoun, Lairds of Fentrie, Keir, Dundas, Provost of Dumbartoun.

Item, another Commission for reportes of references from the last Assembly: Ministers—Mr John Robertstone, Robert Murrey, James Edmestounne, Alex<sup>r</sup> Petric, Thomas Mitchell, &c.

The Assembly, with consent of the Commissioners Grace, did condescend, becaus of the shortnes of tyme betwixt and the ensuing Parliament, that there should be two Sessions a day—the first at 9 a clock—the second at 3 a clock in the afternoone, and the sermon to goe in at 7 a clock in the morning.

#### Sessio 3.—August 14, 1639.

After in calling upon the name of God, the Moderatour asked the Commissioner if his Grace had any thing to say to this Assembly?

The Commissioner answered—I am sory to say any thing that may breed jealousy—farre lesse miscontent in any mans mynd: yet I must say that agane which I said yesterday in generall; and I desire that everie bodie that heares me, and in particular the honourable and reverend Members of this Assembly, may believe that what I doe in this kinde, is not out of a intention to delay or protract tyme; but surelie the great and weightie charge I am entrusted with,—secondlie, the short tyme I have had to consider of the instructiones given to me of my Master,—thirdly, the sense of my oune weaknes; and I may adde a fourth—some distemper of my bodie—that I must begg the allowance of this day—not for any delay or protracting of tyme, but that, after mature consideration on all hands, we may all sing aue sang before this Assemblie end; and, having obtained this short tyme for consideration of my instructions, I must then begg a second favour, that the Moderatour, and some other with him, may spend some tyme with me this afternoone, that so thinges may be the better digested, and I more able to give satisfaction in everie thing that can be expected.

The Moderatour said—My Lord Commissioners Grace gives us to understand that the Kings mynd is peace toward this Church, and least we should speake and not understand one another, and stumble in the entrie of this bussines, his Grace requyres that this day may be given for consideration of the instructions receaved from His Majestie, and that some of this number that ye thinke good, with me may attend his Grace, that one of us mistake not anothers language; and it shall be our pairt to deall with God to show ws a right way, that fra there is ane ayme at peace we may follow the best way for attaining of it, and for preservation of it heirafter: for if our way be good as weell as our matter, it can bring no miscontent: but if we marr

in either, we may breid much. Therefore, let us suspend our judgments in every thing our mynd might have thoughts about; for this is a tender bussinesse; and it shall be our wisdom to suspend our judgments till every particular speake for itselfe; and since on all hands we professe peace, so let every mans particular cariage declair the same: so shall trueth and peace and every mans particular cariage get the oune true approbation.

The Commissioner said—I believe it is scairse expected from me that I should adde to or confirme that which ye have said, seeing its propper for yow to speake. Your place carries yow to it, and your gifts gives yow abilitie for it. The place I am in is to heare and doe that ductie which is to be expected from a gracious Prince. Yet I may say thus much without wronging any trust my Master hath put upon me, to second that yow have said—to witt—if men come without prejudicat mynds—if men come impartiall, with a mynd to acquiesce to reason when reason shall be offered, and to imbrace trueth when the way of trueth is layd open with the soundnes of mynd, and with that reverence and respect which may be expected from good Christians and good subjects, and which their oune place will beare to soveraigntie and lesse then which can never be expected from good subjects: I say if men come so, I hope the conclusion may be beyond the expectation of us all, and beyond the desyre of some that all shall tend to peace, and such a peace as hes trueth for the companion of it, against to-morrow.

The Moderatour asked the opinion of some of the Members of the Assemblie, whether the Commissioner his Grace his desire was most reasonable?

My Lord Argyle said—I know that it is the profession and desire of us all to have all this bussines settled in a fair way; and since the Commissioner his Grace hath given ws good hopes of it, I thinke it were ane ill interruption of it to refuse to his Grace any thing of this kynd.

The Moderatour desired that, if any of the Assembly thought otherwayes, they would tell their mynd—for we think verilie (said he) that one dayes good advyement may save us many dayes paines, and the spending of this day in thinking upon the best meanes how we may wind to our good ends, may be like money lent out for double annuell. To the which the Assembly willinglie assented.

Added to the Commission for the Billes—Mr W<sup>m</sup> Douglas, Mathow Brisbane, &c., to meet at the Parliament House at 6 in the morning and 6 at night: and so the Assemblie dismissed for this dyet.

#### Sess. 4.

After prayer, the Moderatour asked if the Commissioner, his Grace, had anything to say to the Assembly.

The Commissioner answered—I was desirous yesterday of a short delay, that I might the better consider of my Masters instructions; and, withall, I was desirous that the Moderatour, and some of this reverent company, might come doune to me, that to yow I might communicat some of my thoughts, that they may the more plausiblie be conveyed to the rest of this number. This ye were pleased to doe. Some short tyme we spent together yesterday, and this morning too; and I doubt not, Moderatour, but since your comming up yow have communicat to some of the rest, and so I hope this shall facilitat the matter greatlie; and I shall begg libertie to repeat somewhat in generall of what hes past in privat. The deploire to the divisions and differences that hath beene in this Church and Com-



monwealth are both so weill known to ws all that I need spend no tyme in it. The bad and dangerous consequents that hes beene likelie to iusue—yea I may say, the ruine that hes bein so imminent, is yet so fresche in your memories that I spair it. It hath pleased God so to dispose our effaires, and so to prepaire our Masters heart to hearken to our just desyres, that he hes bein pleased to grant and to indiet this free Assemblie, as the readie meanes to obviat all such evils in tyme comeing, and to prepaire thinges that there may not be the like mistake among us heirafter. If I be not mistaken, this was the occasion of our petitions: the sense we had of bygone illes, and the fear we had of the consequentes of these illes, and the desire we had that these feares should be removed, and that, by removing of the evils and causes thereof. In privat, to these few of this number that came to me, I was desirous that they would condescend to me what they conceaved to be the causes of all the divisions of this Church, that accordingly we might take to our consideration the readiest wayes to expunge the same, if any such appeared, and to remove them by wholesome constitutions. Ye were pleased to condescend upon some, and it may be others doe thinke upon some that ye have not thought upon. I doe not take upon me to determine what are the causes; but as my memorie serves me, and so farr as I can gather out of the Petitions to the Counsell, the Commissioner, or to His Majestie himselfe, I shall collect my owne thoughts, and, if possible I passe by some circumstances, if I touche what is most materiall, I desire yow to heape it.

The first occasion that made a sense of the subjects, at least a expression of the sense to appear to the King or Counsell, was a Service Booke, lately introduced and pressed, furst upon the Clergie, and, I thinke, by them to be prest upon the whole subjects. Upon this there comes petitions from diverse corners of the countrie, and the numbers of them grew daylie. This was so taken to heart by the Counsell, that they did acquaint their Master with it; but it may be not in that powerfull way as to make our Master conceave of the bussinesse as God hath given him grace to consider since, for which cause, the satisfactorie answer was not given at first which was expected; and so your desires grew; and, if I be not mistaue, the Booke of Cannons was joyned with it. Yet it ceased not here. We went a litle further, and, I believe, in generall, there was innovations complained upon—innovations alledged to be introduced contraire to the constitutions of this Kirk. The Five Articles and High Commission were complained upon; and, I believe that it was complained that, even in the government of the Kirk, something was introduced that was not according to the laudable constitution of this Kirk; yea, I believe, first we came to complaine personallie of the faults of Bishops—as of the hard usage of Ministers—the unlawfull oathes exacted of intrants, and, I believe, in end it came to that, that it was presented as a grievance to the King, and as an occasion of the distraction of the Kirk, that Episcopacie itselfe was so farre contraire to the constitutions of this Kirk and Reformation thereof, and, therefore, that not only their office behooved to be reformed and rectified, but totallie abolished, and the Kirk restored to that government she had at the Reformation, by free and lawfull Generall Assemblies, or the subjects could not be satisfied.

It may be my expression hes not bein methodicall and cleare; yet, bluntlie and orderlie, I think

I expresse the most materiall thinges that the Kings Majestie hath conceaved to be the grievances and desires of his subjects, by their petitions, papers, and by the Commissioners Grace; or, utherwayes, I cannot, nor darr not say, if I answer that trust that my Master hath put upon me, or, if I discharge that ductie, that in reason he shall expect from me. But his goodnes is such, and so farr he hath condescendit to satisfie the desires of his good subjects, as he hath indieted this Generall Assembly, to take to their consideration the true cause of these illis which he expects they will doe, and doe it without partiall respects or by ends; so, on the other pairt, not only to heare of it be evident trueth, and grounded upon good reason, as the petitions of the subjects seemes to say, he hath commanded me, not only to heare, but to consent and to concurre with yow, in everie thing ye shall agrie upon; yea I may say more; for the more I look upon my instructions they give me warrant to say the more. That my Master doeth expect, although I came not here to say that there is another way in ecclesiastic bussinesse then that way which ye have propounded to him, and of which he hath given satisfaction to others by mouthe, that he conceives no other way—that we of this Assembly will, notwithstanding, consider of the distractions of the Kirk, so far as our auctoritie can doe. For the Service Booke and Cannons, they are discharged. For the Five Articles and High Commission, in this his grace and goodness appears very great—for they were established in his fathers tyme, and continued in his owne tyme—yet, without so much as disputing his owne right, he hes bein pleased to discharge all these; and, likeways, for what seemed grievous to ministers at their entrie, and complained of, not only be ministers but by laicks, the Kings majestie hes beine pleased to declair, that no oaths shall be exacted of intrants; not that I am commanded to say that ye should desist here, or take it for a command not to meddle with any more; but to this end that ye may see his Majesties grace and goodnes, and how willing he is when reason ruleth, to doe all that can be expected from a graceous and good King, and requires that this Assembly shall take to their consideration what is further fitting for freeing us of our feares and preventing the lyke in tyme to come. And, farther, we have complained of the personall faults of men, and I am perswadit my Master will protect no man further nor the Word of God, and order of law doth allow. Yea, he hath ane care open to all complaints, and hath commanded me to receive all billes, and heare them according to the order of justice, which I hope shall give satisfactions to all men, that is, for the persons of men. The very calling of itselfe Episcopacie hath beene represented to his Majestie as a grievance—as ane occasion of thir evils—as a thing so farr contrare to the institutions of this Kirk, so many tymes abjured, as that the subjects would not find themselves quyet in conscience, except the King should be graceouslie pleased to see it utterlie abolished: and I am commanded to tell you so much, that his Majestie expects that ye will take this as he meanes it, and as I now expresse it.

It hath ever beine thought that no mans judgement can be satisfied without reason. The Kings breeding hath been in a Church where, ye know, Episcopacie is allowed as a warrantable government; but without more discourse, least possible I involve myselfe in greater difficulties than I can easilie be redd of, I am commanded to tell you that I have represented the grievances and occasions of those great evils.



The Kings Majestie is graceouslie pleased to give directions, that this Generall Assemblie shall consider whether so be or not; and what yee shall determine in it, I hope ye sall give me no cause but with that same heartinesse, to expresse my Masters willingness to joyne his assent and approbation thereto, I shall desire, and truelie I desire in a verie serious way, that no man carp at my words, (for God knowes I must come here without premeditation,) further than this, that if in my expressions of what I conceive to be my Masters meaning, any man find not himselfe to be satisfied either in the generall way of it, or in any particular, they would, in that modestie that becomes good subjects, testifying their tender respect to the honour of our graceous Master, represent their doubts; and I hope I shall be able to give them satisfaction.

Next, becaus we are not all of one disposition nor temper of mynd, give me leave to represent unto yow, that if any of thir particulars, either last or first—I name none of them—if there be anything more to be expected or wished then I have said, I should humblie, I say, represent to your consideration, that before ye fall upon any poynt that should be unsavourie to so good a King, they may be first communicat to some of yourselves, and well digested before they come to all our eares in publict, least ye force me to make answer in that way which will be unsavourie unto yow, and no less unto myselfe. But this course being kept, though I have bluntlie and rudelie exprest my Masters meaning; yet going in this way, I may expect retribution of respect to auctoritie, which ye all professe to vindicat his honour before the eyes of all the worlde; and to vindicat his owne thoughts and privat judgment, your owne goodnes and ductifulnes I am confident will give me satisfaction. I may say, whatever my Master hath done in this, it is done to a good and thankfull people, in doing whereof he will establishe a place in Kirk and Commonwealth, the fruites thereof will redound to himselfe in receaving all ductifull obedience; and seeing nothing amongst us but consent and harmony, and no contest at all, except it be who should be foremost—first, in their dueitie to God, and next to the King.

*A particular deduction of the Grievances of the Church.*

The Moderatour answered—We have very great reason to blesse our Lord, that hath brought forth this fruite of his favour by such graceous and honorable meanes to our comfort; and we acknowledge heir, heartilie, that there is no small expression of our Kings Majesties gentlenes and goodnes and love to his subjects, that he hath done of his owne accord so much, and is readie to doe yet further, and to cast into our hands what God, reason, and law doth allow of, which his Majestie cannot be particularlie informed of, except from us. We have to thanke God and his Majestie for that point. As for your Grace his Commissioner, yow have followed the order indeed that is very pertinent, and hath asked of us in privat, and hath place to ask us in publict, the causes of disturbance that hath bene amongst us; and as we are bound to give ane account of our proceedings to all men, so especiallie to his Majestie, or any in his name, and to your Grace in particular. And as in privat we have dilated some, not takeing upon us to comprize them all, so are we heir in publict, readie to give satisfaction to his Majestie, and that by satisfieing of your Grace in this place, concerning all these illes, takeing them in their owne order as they come in mynd, so farr as memorie can serve; and for our

pairt we have been about to remead them according to the order of the Kirk, so farr as we could, and will doe what we can farther, as becomes the Assembly of the Kirk, to goe in that same course; and we have to crave not only that his Majestie may be satisfied concerning our proceedings, but that he would confirme by the civile sanction, that His Majestie and your Grace shall find to be according to the rule of religion and the word of God, and nothing else purpose we to crave, nor have we intendit, but are perswaded in our consciences such, and for which we are readie to give reasons when we are requyred. In particular, the causes of the grievances that we have had, and which we have bene about to repair, according to the constitution and ordinances of the Kirk, are—

First, the want of Generall Assemblies yearlie and oftener, *pro re nata*, as the necessitie of the Kirk did requyre, which, when we had, was a verie fair benefite both from God and from the State; for therein all disorders were freilie spooken of, and when they were withholdeu, its knowne by whose procurement, even these that wrought ws much more grieffe, that they might worke the rest contrare to the constitutions of this Kirk and order of the Booke of Policie and Act of Parliament 1592. That is one of our grievances.

Secondlie, Another is, that there has bene kept and authorized some other Assemblies, that [were] both of wrong constitutions, and did bring innovations contrare to the order established in this Church and Kingdome—namelie, Assemblies at Linlithgow, Glasgow, Aberdeine, St Andrewes, Perth: and

The thirde cause, as I remember, is, that the Kirk hes bein prest with the Five Articles of Perth, and no small grieffe brought these to the subjects which their consciences was thralld to doe. These things they knew, and we have found to be contrare to the Confession of our Faith: and

The fourth is, that we have beine prest (which also your Grace will remember) with a Service Booke, Booke of Cannons, and High Commission—the Service Booke, not only for the frame of it being Popishe, drawing us away from the spiritual maner of serving our Lord, wherein everie man should speake to God according to his present neid and seuse, and not to be tyed and speake he wotes not what, but, besides, the containing many seids of idolatrie and grosse superstition: the Booke of Cannons, appoynting offices that God never ordained to be thrust into the house of God, contrare to this State, and raising up a tirranie in Prelats that is unsupportable either by reason or any other way: and the High Commission, confounding judicatories, and putting the keyes of the Kingdome of Heaven in their hands, who had no power, nor any ecclesiastick office, and againe putting the civile sword in the hands of Ministers that had no interest thereunto; God having so distinguisht judicatories, giving everie man his owne employment and gifts for it, that his Kingdome should be no prejudice to the Commonwealth, and hes furnisht the Nobles, and everie member of the State, so weill, as they need not begg a Kirkman from his booke to helpe them. Beside this ill, there is the breach of our Nationall Covenant with God, and not walking holilie and tenderlie according to the same, and did not see the consequence of what, for the present, seemed little: the not taking head unto it tymouslie hes put us in this bussinesse, which is now weill enough knowne.

Sixthlie, In partiular, there is this Episcopall Gouvernement crupten in silie, and erected without



order of law, besides the Word of God, contrare the Confession of Faith and Constitutions of this Kirk, from the beginning, and the intention and meaning of the Kirk from the Reformation, who went about alwayes stryving that Kirkmen should be kept at their booke and their Masters serviee, and not stryving who should be first and highest up in Court, but who should be most godlie, most honest, and gaine moniest soules unto God, and so keip their reward till they and their Master meit.

A seventh is, The civile places of the Kirkmen—their usurpation in Assemblies as they were Lords, whereas all kynd of Lordshippis is cutt off from Ministers of his house; for he hes appoynted in his house to be only a ministrie, for that is the difference betweene his Spirituall Kingdome in the subordination of the Temporall. In the ane, all the officers are Ministers; in the other, the officers are Kings, Lords, &c.

These are the Spirituall evils which, being contrare to the Word of God, the Constitutions of this Kirk, and the Confession of Faith, what wonder they greive all honest men who hes no consolation in this world, but the hope of another? And, therefore, are they readie to expose themselves to any trouble under heaven before they quyte a poynt of their Masters honour. These are the maine causes and reasons of our setting ourselves against them; and, for our proceeding against them, we are here readie to give satisfaction to your Grace, as it shall be your Graces pleasour to choppe at particulars. And, as concerning the last poynt, touching His Majesties honour, recommended to ws by your Grace, we may speake tenderlie of as becomes us. It is our duetic, and we professe it, and take God to witnesse, that we make conscience in our secrete thoughts, to honour His Majestie; for we know our religion cannot endure civile Magistrats to get any wrong; for in wronging of him we wrong Him that sent him, and cledd him with power, and sett him on his throne; and so we are so farre from not following of that, that in privat and secrete we professe that we darre not but make conscience of it. No, no; religion gives them their owne but ours, for Popperie toppes them over: but doe one thing to ws. Let us give Christ the highest rounce, and nothing that may honour or pleasure Kings, but we shall altogether doune at their feete with it.

The Commissioner answered—I told yow, Sir, that I did so speake as that it might suffer corrections, and did remember very shortly the causes of our distractions, and I should wishe them never to be remembered without great thankfulnes to God and the King for freeing us of them; yea, I wishe everie thing that hes brought thinges to that height of divisions amongst ourselves might be forgotten. Neither yet, in my last speach, did I give my opinion and adviee, out of doubting of the performance of what I wished; for I am confident, when we rightlie consider the cariage of this bussines, and his Majesties goodnes beyond our expectation, it shall be ane argument to move us to repay the same with thanksgiving. I told yow, as I remember, that the Kings Majestie, upon the frequent Petitions of his Subjects, conceived such and such thinges to be the occasion of the illes, and of all that had followed on them; and, therefore, upon our desires, concluded that this Assembly should be kept at this tyme, to the end it might be rightlie considered whether or not these illes were the occasions of these thinges that have fallen furth, as was pretended by the Supplications of the Subjects.

The Moderatour answered—Please your Grace: We have considered, and maturelie considered, and

done our youe most for clearing [that] thir our grievances were justlie against all these, and nothing els; and here we are readie to give satisfaction to all who doubts it.

The Commissioner answered—Truelie, I should be desyrous to be satisfied in some particulars, if it might not possiblie breid ane opinion in some that I should take upon me to dispute or argue with such learned men as I know would appeare if I should take upon me so to doe, as if I desire Episcopacie, so oft alleadged to be against the constitutions of this Kirk, to be eleired to be so. I believe ye shall not thinke me so presumptuous as to take upon me to dispute the matter; but to the end I may represent to my Master the reasons of it, and receive satisfaction my selfe.

The Moderatour answered—Your Graces abilitie to dispute in all such subjects is knowne sufficientlie; but it shall be verie acceptable unto us that your Grace, and espeeciallie as his Majesties Commissioner, shall propone all your doubts to us, that we may solve them: for we have said or done nothing but what may well byde the light, and we are able to convince, in reason, a reasonable man, such as your Grace is; and here, in a manner, are verie confident that the more we be put to give our reasons, the clearer our cause shall be, and we shall be able to give the more satisfaction.

The Commissioner answered—Yow have heard, and I believe your conceptions may be more particular then myne; but I believe myne differs not much from yours—*first*, in that it is supponed by the subjects to be the occasion of thir divisions and distractions; *secondlie*, neither doe we differ much about the cause of indiction of this Assemblie, which is to remove these evilles; and since yow and I agrie in thir two, I would represent to your consideration, in the *third* place, what shall be the readiest way to give my Master satisfaction, whose desire is that these thinges being represented unto him, ye shall either find that these are the true causes, and so ought to be removed, or uther wayes a mistake, and so ought to remaine. If the true causes, and so ought to be removed, he expects a reason of all—as, for example, if ye find Episcopacie to be a true greivance and cause of offence, and therefore to be removed—if ye conelude this, ye will give a reason of all, and make it appeare to my Master to be the constitutions of this Kirk.

The Moderatour said—For removing of all thir evils, whereof ye have spoeken, there is a necessitie of the concurrence of our Lord Jesus Christ in the Kirk, and of his Vicegerent in the State; and when thir two concures, our evils shall be perfectlie cured; and if not, there will remaine a jarre now—the ane pairt being done so farre as we weak churhmen could do ministeriallie. That your Grace, as his Majesties Commissioner, may concurre with us, will be unto us verie comfortable; and for that end we are willing to give satisfaction to your Grace, and to shew that, from the first constitution of this Church, her ayne hes alwayes bein to hold out that wicked weed of Episcopacie, knowing that it was the ground of all Popprrie; and in it did sitt, as in a nest, all the evils that hes overspread the face of this Kirk; and as ill weeds waxes verie weel, so from this root hes growen up many poysonable branches that hes troubled the Churche of God, becaus Christ Jesus, being King of this Kirke, and having the statelie appointment of the government thereof, if anything be out of frame in that, it troubles the whole estate. For this cause, the Church, from the beginning hes laboured still to cutt it downo; and becaus I have rudelic exprest



my rude conception, it will please some reverend brother to speake somewhat further.

Mr Alex<sup>r</sup> Hendersone said—I conceive it not neidfull to adde to your Grace's speache, which the Moderatour hes seconded verie pertinentlie; for it seemes to be incumbent, that the supreme magistrat, when, in the churches of his dominions, any questions shall arise in matters of religion, whither it hath bein determinat before, that those that have power in Assemblies, are bound not onlie to take the same to their consideration, but also to receive in reverence his Majesties doubts, and give him satisfaction, that they and auctoritie may joyne together, the one directing and the other confirming. I thinke it out of question in the judgement of all that are acquainted with the gouvernement of the Church, that there be two sortes of church government. One is Christian and Apostolic by the Assemblies of the Church; the other is Episcopal government. And I verilie thinke so farre as ever I learned, that our Church, from the beginning, had a intention to establishe the government by Assemblies, and did prosecute it with great zeale; yet it is also evident by the ecclesiasticall historie, that the Church hath been still vexed with Episcopacie; for some Popish Bishops, renouncing Poperie, would have bein Bishops still; and I think it was more out of a desire to brooke the livings than to advance that office. First, they wer Superintendents, who got commission for visitation; and its knowne that Superintendents were no Bishops, and what reall difference was betweene them. And it is also knowne that they did neglect their function, and not good with it. Another sort of Prelats that were, or rather supposed Bishops, who brooked the benefice, but not the office, and these were called Tulchan Bishops. A third sort came in afterwards by being Commissioners to Parliament, and voters, and then ascended to that height that ye yourselves are witnesses unto. They entered as foxes, raigne as lions, and I wish they may die as Christians. Now for the warrands of this Church against this Episcopall function. I hope these that are acquainted with the registers of the Church will find them cleare; and if your Grace doubt of the auctoritie of them, we thanke God that we have this occasion to give your Grace satisfaction.

The Moderatour craved libertie to expone what was meant by Tulchan Bishops. It was a Scotts word, used in their commoun language. When a kow will not let doune her milk, they stappe the calves skin full of strae, and setts doune before the kow, and that was called a Tulchan. So these Bishops brookeing the title and the benefice without the office, they wist not what name to give them, and so they called them Tulchan Bishops—(at which the Assembly laughing heartilie)—The Moderatour said—Their follies were worthie to be laughen at in this Generall Assembly.

Mr Andro Ramsay being desired to speake, said—That which hath the beginning of it from man and is of humane institution—that which hath beene destructive of the discipline of the Kirk—that which hath beene introductorie of Poperie, superstition, and idolatrie, and antichristianisme, and the barr of all good reformation,—justlie for thir reasones ought to be cast out of this Church; but I am able to qualifie that Episcopacie is such: therefore, for these reasons, it ought to be cast out of the Church, and can never come in againe.

The Commissioner declaired that he was not desirous that they should fall upon any scholastic dispute. It was only to represent to their consideration how farre these that have gone before us

in the reformation, hath found it contrare to the constitution of this Church, that hath ever beine the ground of all your Petitions.

In reading of the Acts, it was questioned whither the Clerk should begin at the year 1560 or at the year 1580.

The Commissioner said—It seemes that this worke have had its beginning from the 1560 year of God, and hath had a continuall progresse ane way or other ever since; and I believe Mr Archibald [Johnston the Clerk] is not so ill versed, but without much looking on his booke he could deduce all the Acts either the one way or the other.

The Earle of Argyle urged that, becaus the Confession of Faith was at first subscribed 1580, they would begin at that tyme.

My Lord Lowdown said—It is true that Act in 1580 is the maine Act against Episcopacie, yet becaus there is a word in it, “as it was then used,” &c.: therefore the case of it as it was then used, would be made cleare in the preceeding years 1560, 1575, 1576, 1577, 1578, &c.; for in all these yeares, Episcopacie came still under consideration: first, before they came to the office itselfe, they came to the corruptions of it, ane whereof was—they assumed to themselves titles and dignities: secondlie, they meddled with civile places: thirdlie, they usurped power and præ-eminencie over their brethren: fourthlie, they confounded offices civil and ecclesiasticall: fifthlie, that they had more rents then was competent to churehmen, and was only employed for their owne pompe and grandour. All thir at that tyme were corruptions; whatever was above a pastor over a particular flock—so that being condemned in the 1580, the compairing of it with the anterior Acts makes it cleare, and so it is follie for men to object that that Act against Episcopacie was but only against that dependencie that it had from the Pope: for its cleare that they call aue Protestant Bishope above a pastor of a particular flocke was chapped at: and take this from them and let them sie what remaines of that office? Then when it was condemned out of the Church of Scotland as having nothing adoe there—as wanting warrand from the Word of God, in place of it, with consent of auctoritie, Presbyteriall government was sett doune; and [in one] of the last Acts of ane and the same Assembly 1581—“whither there was a totall abolition of Bishops in the Assembly at Dundee, 1580”—the Assembly answered, that both the name and office was totallie abolished, and then the Presbyteriall government put in the place of it, and the discipline sworne unto, wherein is clearlie sett doune what offices was esteemed lawfull; whereof Episcopacie is none, but immediatelie before condemned: so that the connexion between 1574, 1581, is so cleare, when the ane is put out as wanting warrand from the Word, and the other put in as having warrand, and that discipline sworne unto—that I thinke there is many here would be glad of ane occasion to cleare the matter by dispute to your Graces satisfaction. And becaus his Majestie was not pleased, at our last happie meeting with him, to approve some of our proceedings, it is very good reasoun these grounds be cleared againe, that we may be that happie as to have the civile sanction added unto it; and, on the other hand, that it be all our cares, with that loyaltie and ductie that becomes us, and all tender respect to our Kings Majesties honour, but to maintaine the same as far as the cheefest of these parasites that speakes his Majestie so fair.

Mr Alex<sup>r</sup> Henrysone read a testimony out of ane Epistle of Bezaes, written to Mr Lennox, dated



July 12, 1572, testifying that not only was Episcopacie put out of this Kirk, but knowene to all the world to be soe.

The Commissioner said—I intend not to presse any thing but in that way that shall be satisfactorie to all; yet there are some rockes and difficulties wherein possiblie our Masters name is ingaged, and I wishe we may take notice of these, and stryve to come by them.

The Moderatour answered—Your Graces expression is verie good; but becaus they that know not these rockes well, cannot saill by them; if your Grace should be pleased to specifie these rockes, we should endeavour to hold off them.

The Commissioner answered—I desire so much charitie of them that heares me, as to believe that I may heare, and possibly have heard, some thinges of that consequence that they touch my instructions verie farre—not for what may concerne the bussines; therefore, I should wishe we should rather seeme to misken some thinges, rather then touching them, to make unnecessary disputes. I conceive we desire nothing but peace and trueth: therefore let us take a course to establishe these two, and whatever may hinder these, I take to be the rockes. I have so good and charitable opinion of some men, that I would yet wishe thinges were prepared by them in privat, for [fear of] mistakes; for some thinges may very possiblie escape some men here that I cannot sit heir but make answer in a way that I have not as yet. I desired yesterday to speake with the Moderatour, and I believe he understands me and I him better then we did; and, therefore, I say over againe, for feare of mistakes, I should wishe that everie thing [be] now prepared and consulted betwixt me and the Moderatour, with some other wise and honourable Members of the Assembly, and not proponed in publiet till it were thus prepared.

The Moderatour answered—If it might please your Grace, so farr as I conceive, there needed no preparation, but only the expression of it by a mouth that well can, such as your Grace is.

The Commissioner answered—I shall but represent to your consideration, if God may blesse this meeting with so happie a conclusion—and I thinke there is no Christian but they will thiuk it happie to see King and People goe all one way—that the Kings Commissioner, by the warrand he hath from his Master, sitt here to the end of this meeting, and consent to everie thing shall be done in it; and in the Parliament, to adde the civile sanction unto it. I take it to be granted as all our desires; if, then, we can light upon the way how to make it evident by reason, that these particulars which I have bluntlie and rudelie expressed, our Master hath conceived, the Moderatour farre better expressed to be the true causes of all our greevances; if, I say, we can light upon such Aets and Constitutions as may serve us in this, I thinke there is no more to be done. I desire and hopes it shall offend none, that I conjure yow, everie one in your stations, Nobles, Peires, and worthies of the land, and yow of the Ministrie—if it be lawful to conjure such a reverend company—to take to heart, that the King will doe all that may secure us of our feares. Only let us be tender of his Majesties honour, and not make unnecessarie breakes, nor marre that thanks that is due to him. Lett us not put him to it in shaddowes, for we shall have the substance.

Argyle said—For the affection and desire of this honourable Assembly, to give his Majestie all satisfaction, your Grace needs not to call in question; and

for eschewing any rocke in clearing the Constitutions of the Kirk, lett the clerk be charged upon his fidelitie to his Master, that he read nothing but what is contained in the Acts, and in the Confession of Faith.

The Commissioner urged that all further meddling with it might onlie be delayed till 4 a clocke in the afternoone.

Lowdown said—Delayes are verie unpleasant; and, in suspitious mynds, breeds many jealousies; yet becaus it is ane cause of the meeting of this full and free Assemblie, to give full satisfaction to our Kings Majestie, it seems very reasonable that we take some tyme to agrie upon the best way it may be done, that both his Majestie may be best contented, and in such a way as it derogat nothing from the liberties of the Kirk.

The Commissioner said—The gravitie of this bussines we are about, should not, I thinke, stand upon dayes, farre lesse houres.

It was condescended by the members of the Assembly, that till 4 a clocke in the afternoone should be spent in consultation in the great Kirk among the Commissioners, of the best meanes how the Kings Majestie should get best satisfaction of all their proceedings, and with all the liberties of the Kirk preserved.

The Clerk produced ane of the bookes of the Assembly, which he had gotten from Mr John Rigg, and desired that it might be cognosced upon, whether it wer authentick. The Kings Advocat declared that he had perused the booke, and knew it to be Grayes hand writt, becaus that same subscription is at divers of his extracts.

To meet at 4 a clocke.

Sess. 5.—At 4 a clocke in the afternoone.

*Episcopacie proved unlawfull, with the Service Booke, Booke of Cannons, &c.*

After prayer the Moderatour said—Please your Grace, I was using diligence in searching out wayes how to behave ourselves, and finds all peaceable and modestlie disposed; and when we had thought upon all mids, we could sie nane, but that way onlie of his Majesties justice and goodnes, which pleaseth his Majestie to walk in. It is knowne that his Majestie refused to authorize our contraverted Assembly at Glasgow, neither can we urge the same, seeing his Majestie hes not gotten eleernes, and is not here personallie present to receave satisfaction, we can urge no farther. Againe his Majestie, out of that justice, did not urge his subjects to passe from that Assembly, becaus he knew they were tyed by so many bands; and soe we resolve to walke through betweene thir two rockes as circumspectlie as we can, and not touching any of them, but keepe our distance betwixt both; and, therefore, I expect that this whole Assembly to walke verie tenderlie in so great a bussines that concernes the great honour of our great and graceous King Jesus, and the tender honour of our good and graceous King Charles.

The Commissioner said—These roekes that I have feared, yow have discovered, and yow are best able to go by them.

The Moderatour answered—I hope we are neare by the straites of them.

The Clerk proceeded to the reading of the Constitutions of the Kirk, beginning at the year 1575 and so furth.

The Clerk said—Please your Grace, thir two goes on still together; some Acts against Episcopacie, and other Acts, establishing the Booke of Poli-



cie, wherein not only Episcopacie is abjured, but the government of the Kirk by four office-bearers, Pastors, Doctors, Elders, and Deacons, sworn unto; and so furth continuallie, from the 1575 to the 1579. And the Booke of Policie is established. There are about 9 or 10 Assemblies convened, onlie for the treating of the policie of the Kirk; and when they convened they appoynted that the articles that were to be dispute at the next Assembly, should be dispute in every Presbyterie and Kirk-Session, that when they came to the next Assembly they might come with the better advysement. And, as he was proceeding in reading,

The Commissioners Grace said he was satisfied to the full, and, therefore, he needit not proceed any further.

The Moderatour said—Your Grace sees how undeservedlie we are calumniat, and what good grounds we had for all our proceedings at Glasgow.

The Commissioner said—I wishe we may proceed weill now, and that all our actions be such as may anwer for themselves.

The Clerk proceeded on in the reading.

The Commissioner desired that all these evils that were the grievances might be voiced together, and included under one Act, which the Assembly acquiesced unto.

The names of these that were to preach on the Sabbath, &c.

Sess. 6.—August 16. *IIora nona.*

After prayer, the Moderatour asked if the Commissioners Grace had anything to say concerning these seven evils, that hath so greatlie troubled this Kirk, which have bein represented unto your Grace.

The Commissioner answered—I was desirous that yow, with some of your brethren, should take the paines to come to me yesternight, that so we might conceive a way how to order our carriage, that, both in voicing and conceaving of the Acts, it might be so done as I might be satisfied, and my Master also, wherein I fand a great deal of satisfacione. The first thing which yow offered to your consideration, to be the occasion of these illes, was Episcopacie. My Master was pleased at the Campe to say so far, that if it could be made appeare to him, (notwithstanding of his owne inclination and opinion, which his breeding and the Kirk of Scotland [England] doth possiblie give him of Episcopacie,) by the Assembly of the Kirk, that it was contrare to the Constitutions of this Church, he commanded me, not only to concurre with yow, but to doe all that could be expected from so good and graceous a King, both by my consenting to it, and ratifieing it in Parliament. I was desirous that course might be taken, how all our proceedings might be grounded upon reason; and upon this ye were pleased to cause read the Constitutions of the Kirk, and I, by the Clerks paines, and uther helps that I have gotten, and by that that passed amongst us yesterday in privat, am satisfied, and I believe ye know all, what conelusion I would make—that I desire to be taken *pro confesso*: onlie I did represent to their consideration, whether they should be conceived all in one Act, or to voice them severallie.

The Moderatour said—There can be no questions amongst us who would eschue the rockes we spock of yesterday; but it will be satisfactorie unto us if there be one Act past heir and ratified in Parliament, and this, as we conceive, will be the best way to keepe us off rockes.

The Moderatour desired the Clerk to proceed in reading the rest of the Aets and Constitutions of the Church.

The Commissioner answered—It is not necessary for yow to proceed any further, except it be for the satisfacione of some of yourselves, for I tell yow I am satisfied; and, in his Majesties name, will consent to the Act against these things.

The Moderatour said—We acknowledge his Majesties bountie and goodnes in so doing. We desyre to give declaration of our reasonable desires and proceedings, that it may be seene all is granted to us for these reasons. Therefore it is expedient that all our reasons and grounds to proceed against these evils be read and make manifest.

The Commissioner said—When we shall consider of thir things that were established by law—when we shall consider that some of them were practised in his Majesties fathers tyme, a wise and religious Prince, and never questioned till now—I hope it shall move us to thinke more of his Majesties goodnes, who hes a greater eare of our contentment then we could have expected.

The Clerk proceeded in reading the Reasons and Acts against the Fyve Articles.

The Moderatour said—Your Grace hes heard the reasons; and as we desire to rander to his Majestie, humble and heartie thanks for dischargeing these illes, so we desire that these reasons and grounds of our lawfull proceedings may be shoven to his Majestie, that it may be made evident to his Majestie and to all the world, that we have beene very reasonable in all our proceedings, and especiallie at Glasgow, which they have so much traduced to his Majestie.

Sessio. 7.—[August 17.]

After prayer, the Clerk proceeded in reading the reasons of the nullities of the six late pretendit Assemblies, which was confirmed by the testimony of many old and reverend men in the ministerie, who had beene at these Assemblies, standing up and testifying the same; likewise the reasons for condemnning the Service Booke, Booke of Cannons, Booke of Ordination, and High Commission, were publictly red.

The Commissioner still urged that it was not neidful to read more, except it were for the satisfaction of some of their owne number. It was answered, the Assemblie did esteeme themselves bound of duetie to make knowne the reasons of all their proceedings for the satisfaction of his Majestie. After all were read,

The Moderatour said—We have now cleared sufficientlie the reasons of all our proceedings, trusting that your Grace will signifie the same to his Majestie, and desires likewise that the eivile sanction may be added to it; and, therefore, that we may conclude somewhat, it seemes necessar that so much as is bygone may be drawne up in ane Act. The Assembly, with consent of the Commissioners Grace, appoynted a Committie to goe about the framing of the Act, that when it came before the Assembly it might be put to voicing with all diligence; namely, *Ministers*—Masters Andro Ramsay, Harry Rollock, James Bonar, Andro Cant, Robert Blair, David Lindsay, Robert Douglas; *Nobles*—Cassiles, Lowthiane, Balmerino, Lowdown; *Barons*—Cavers, Auldbar, Keir; *Burgesses*—John Smith in Edinburgh, Provost of Dundie—to meit at the Clerks Chamber, after the dissolving of the Assembly, about the framing of the Act.

The Commissioner desired their way of conceav-



ing it might be shoven to him, that he might come the better prepaired against the morrow; further, craved libertie of the Assemblie, to depairt for that night for some important affaires, in respect there was nothing materiall to be handlit that night, and the Assembly might spend an houre or two in hearing of some particular billes without him, and promised to returne tomorrow at 9 a clocke.

*Imprimis*, presented to the Assembly a Supplication from the toune of Leith for the transportation of Mr James Scharpe, minister at Govan in the Presbitrie of Glasgow, to the Kirk of Leith, vacaut through the deposition of Mr William Wischart. The Assemblie referred the bille to the Presbitrie of Glasgow, to consider till the morne.

A Supplication from Air for transportation of Mr Jo<sup>n</sup> Fergushill to Air; for the transportation of Mr Robert Blair to St Andrewes. Becaues of Mr Johnes unwillingnes, he was ordained to prepare his reasons against another Session.

A Supplication from the Universitie, Presbitrie, and Toune of Glasgow for the transportation of Mr David Dickson, present Moderatour, from Irwing to Glasgow; and because there was ane hote contestation like to arise thereabout, between the Commissioners of Irwing with my Lord Eglintonne, and the Commissioners of Glasgow, the Assembly appoynted a committie for hearing of both parties, my Lord Argyle, Mr James Bonar, James Hamiltoun, Robert Blair, John Hume, Samuall Rutherford.

The Assemblie appoynted a committee for considering of overtures to be given in to the Assembly; viz., *Ministers*—Mr Robert Murrey, &c.; *Nobles*—Yester; *Barrones*—Auldhar, &c.; *Burrowes*—Clerk of Dundie, &c., to meit at Kinghornes house, to morrow, at two afternoone, for the overtures: And so, after thauksiving, the Assembly dissolved.

Session 3.—*Hora nona.* August 17—*die Saturnia.*

After inecalling upon the name of God, there was a letter presented to the Assembly from the some tyme preteudit Bishop of Orkney, testificing his repentance and dimission of that pretendit office. The tenour followes, [vide Acts, p. 204]:—

After the reading of the said recantation, the Moderatour thanked God who had extorted a testimony out of the mouth of a man who once was ane overseer, &c. I wishe all the rest might take the lyke course.

The Moderatour said—Your Grace remembers that there were appoynted a number of Ministers, with some other worthie members of this Assemblie, upon a Committie for frameing of ane Act upon these thinges that went before in this Assembly, wherein such paines have bein taken as we trust now all the scruples of all the members of the Assembly shall be removed, that so they may behave themselves in every thing incumbent to them as good Christians and good subjects, and we hope to have the consent of the Commissioners Grace to what we doe heir; becaus his Grace hath heard, being a man of understanding, the equitie of our cause, and hath warrand from His Majestie that what he shall find right and reasonable in this Assemblie to give his assent unto it here, and to ratifie it in His Majesties name in the insuing Parliament.

Mr Andro Cant, having a strong voice, was desired to read the Act, the tenor whereof followes—[vide Act, p. 204]:—

After the reading of the said Act, the Moderatour desired Mr Alex<sup>r</sup> Hendersone to speake his judgment of it.

Mr Alex<sup>r</sup> answered—I will not make any discourse, but only tell my owne particular judgment, and I would wishe that anie here who hes any scruples concerning the Act, that they would propone them; for I love rather to satisfie any mans doubts of it, than to fall in any other discourse at this tyme. And for my selfe, it is also joyfull a day as ever I was witness unto, and I hope we shall feede upon the sweit fruites heirafter.

Mr Andro Ramsay being desired to speake, said—I am fullie satisfied, and hes no doubts but ane, that we come short of thanksgiving to our God.

Mr Alex<sup>r</sup> Somervell, des red to give his judgment, said—I cannot testifie the joy that the hearing of that Act breids in my soule. My heart so abounds with it when I consider the former griefes and troubles of this poore Kirk, and what a gracious change is now come in, and albeit some heir have some unnecessar scruples, I thinke they have reason to tredd upon them; and in respect they heare the matter so well coneluded, and such a comfortable succeesse likelie to follow, it may make us all ashamed to entirtaue scruples, but rather studie to randar thanks to our gracieus Lord, and wishe all happinesse to King Charles.

Mr Hary Rollock, being next called upon, said—There is nothing left for me to say; only I thinke surely we may reckon ourselves to be like these that dreame; for who would have thought within these few yeares to have heard in any convention of the Kirk of Scotland, such ane Act as this so publictly read, and hopefull to be made a law in the Church: and these that knowes the difficulties that this poore Church hes laboured under, may justlie in this respect, thinke this day a beginning of joyfull dayes, and I am confident that all that hes ane tender eye to the good of this Church, are wakened with a sweet sunshyne day, above the darke cludy dayes that past before: and I hope all of us shall studie to testifie our thankfulnes to God, and to acknowledge the goodnes of our gracieus King, who is pleased to witnes himselfe so loving to his subjects.

Old Mr John Row next called upon, with teares, said—I blesse, I glorifie, I magnifie the God of heaven and earth, that hes pittied this poore Church, and given us such matter of joy and consolation; and the Lord make us thankfull, first to our gracieus and loving God, and next obedient subjects to his Majestie, and to thank his Majesties Commissioner for his owne part.

Old Mr John Ker said—I thanke the Lord who hes removed our evilles and feares, and with my heart acknowledges his Majesties goodnes, and gives thanks to his Majesties Commissioner.

Mr James Martine, called on, said—I doe acknowledge that wonderfull hes beine the love and care of God towards this poore kirk and land, and that all of us had enlarged hearts for praise, and open mouthes to expresse the joy of our heart.

The Moderatour said—Our joy is not yet full; but I hope, ere this Assembly close, our joy shall be more perfect.

Mr John Weymes, called on, could scarce get a word spooken for teares triekling doune along his gray haire, like droppes of rain or dew upon the toppe of the tender grasse, and yet withall smylling for joy, said—I doe remember when the Kirk of Scotland had a beautifull face. I remember since there was a great power and life accompanying the ordinances of God, and a wonderfull worke of operation upon the hearts of people. This my eyes did see—a fearfull defection after, preoured by our sinnes; and no more did I wishe, before my eyes



were closed, but to have seene such a beautifull day, and that under the conduct and favour of our Kings Majestie. Blessed for ever more be our Lord and King Jesus; and the blessing of God be upon his Majestie, and the Lord make us thankfull!

The Moderatour said—I believe the Kings Majestie made never the heart of any so blythe in giving them a bishoprick, as he hes made the heart of that reverend man joyfull in putting them away; and I am persuaded if his Majestie saw you shedding teares for blythnes, he should have more pleasure in yow, nor in some of these that he hes given great things unto.

Old Mr John Bell in Glasgow said—My voice nor my tongue cannot expresse the joy of my heart to see this torne downe Kirk restoired to her beautie. The Lord make us thankfull! Lord blesse his Majestie and Commissioner! Alace! nothing is inlaiking but thankfullnes.

Old Mr W<sup>m</sup> Livingston being called on said—I thinke of the many corrupt Assemblies that hath biene in this Church since the Reformation, I have [not] beene absent for fear of them, except when I was confyned. I saw them and the corruptions of them; and when I consider of them within this thrie year, I would have beene content to have erupten on my knies to Aberdene, to have seene such an Assembly as this. And now I have seene it, and blesses the Lord for it, and begges the blessings from heaven upon our gracious Sovereigne.

The Moderatour said—Would God the Kings Majestie had a pairt of our joy that we have this day!

The Moderatour desired if any of the Assembly had any scruple to propone, they would now doe it before the matter come to voiceing. Further, he asked the Commissioners Grace if he had anything to say, or any scruple to propone before voiceing.

The Commissioner answered—I sall only, before I give my voice, desire this Assembly to remember the courses of all this bussinesse, as I have somewhat confusedly exprest before; and I believe my way of expression gives some ground of jealousies. I told you that notwithstanding my Masters oun inclination and breeding in a church where Episcopall government is allowed, yet such is his care to satisfie the desire of all his good subjects, that he hes indicted this free Assemblie where this is to be considered of; and if it be found by this Assemblie to be such as hath beene expressed in your petitions, papers, and urtherways, I am comanded to give my consent to the Act of this Assembly against it; and, therefore, my voice must be speired last, though I may read in all your faces, and by the speaches of these reverend men, what shall be the voice of the Assemblie.

Mr Alex<sup>r</sup> Henrysone said—Becaus Generall Assemblies are expresst in the Aet, but not Provinciall or Presbyteriall, therefore the Commissioners Grace would declair his consent unto these; to which the Commissionier acquiesced.

The rolles were called, and it was desyred that the word should be “agries,” or “disagries” to the Act.

Mr Alex<sup>r</sup> Kerse, being first called on, said—How unreasonable this unluckie bird of Episcopacie is to be brought doune, and here to be slaughtered, is not necessar to give epithets unto, if we will but consider that the four Bishops (if we may call them lawfullie) established in this kingdome, which are full of abilitie and power, and nothing can escape them! We have our Church Sessions, Presbitries, Synodall Assemblies, and such a famous Generall Assembly as this, that may be suffieient to prove and show the experience of this Government that

now happilie is to be fullie established in this kingdome; for there [is] not so much as a little cockle or darnell of perverse or hereticall doctrine that shall spring up but presentlie it shall be cutt doune, and trodd at under, according to the saying, *vitium convocationis in tribus, digentur in quarto*, which is true heir; and, if it escape two or thrie, it shall not misse the fourth. If it shall happen to escape Sessions, Presbyteries, and Synodall Assemblies, it will happilie be digested and concocted in such a famous Assemblie as this; and now happilie these poisonous weeds that have oppressed the stomach of this Kirk are now to be spued out: and here, for this poynt, I give this Episcopacie an *eternum vale!* As for the Articles of Perth, and these pretended Assemblies, they are dead it is true, and appearandlie this is the day of their buriall. I am sorie they should have gotten such a fair day lent. For me, I mynd to give them no funerall sermon. But there is ane thing Solomon tells us, “I have seene the wicked dead, and rise againe.” We have need, verilie, to hold them doune, that they revive no againe. As for the Service Booke, it eondemns itselfe. It carries the Anti-Christian markes, and a reall practising of that which the Jesuits doth preach; and, (being interrupted, he said,) therefore I abjure it, and agries to the Act.

All the rest of the Assembly, in ane voice, (not ane contrare,) did approve and agrie unto the Act.

The Commissioner being desired to give his voice, said—I believe, for formes sake, I may give it, but materiallie I have given it already. I have often told you that my Masters pleasure was, that Episcopacie should be found by this Assembly to be such as they had alledged in their petitions and papers, (which is now unanimouslie found by this Assemblie to be such,) that I should both consent unto and ratifie the same. And I shall neid to say no more in this. But if there hes bein any jealousies or feares, I hope now they shall be removed; and it becomes yow best, who are of the Ministerie, to remove them; and not only to make your people sensible of his Majesties goodnes, to render to him his due thanks—I meane the humane part of it; for the praise is due to God, who hes so disposed of his heart, and it is his oun act and goodnes: yet, when we consider our Masters inclination and breeding, I hope we shall thinke the lesse tho’ we find greater difficulties then we could have wished againe these that have beene his Majesties good informers and instruments in working of this worke, we must not forget them, but think that we owe them a great deall of thanks. If any thinke that I conceave any of this due to me, I protest nothing at all, for I act nothing but the part of an echo, and this employment came upon me by my Lord Hamiltons worke; and if ye knew what I know him to have beene—a faithfull, carefull, and painfull agent in this busines. I speake it not to derogat from my Masters thanks, but that every instrument should have their aune aeknowledgement: and for my voice, I approve the Act.

The Moderatour said—We blesse the Lord, and thanke King Charles, and doe pray for the prosperitie of his throne, and constancie of it, so long as the Sun and Moone indures; and thanks be to all good instruments! And since your Grace is pleased to name the Marquis of Hamilton as a speciall instrument, we are glad—looking upon him as a man standing on a steeple head on his on foote betweene his misinformed Master and his native Countrie—to give him a favourable construction. I am confident that this dayes worke hath made the impression of his Majesties goodnes, who hath come



over his oun birth and breeding, to give his subjects contentment, so deeplie to be rooted and stamped, that it shall not easillie be taken out of our hearts againe. And I expect yow all, according to the place ye have put upon me, especiallie yow of the Ministrie, to doe your best in giving evidence of your good service to God in furthering of the Kings subjects to thinke, speake, and cary furth affection towards him, and as he deserves at our haud. And let these that are to preache the morne expresse themselves sduetifullie, that neither the Lord of Heaven want his glorie, nor King Charles his oun due praise, and instruments may have their place, and all may be partakers of our joy; for albeit our joy be not yet full, yet we have conceaved good hopes that ere we sunder it shall be; for the which cause, we will make requcast for your Grace that there be nothing inlaiking which may fulfill our joy.

The names of the Ministers that were to preach [not mentioned.]

To meet on Mononday, at 9 a clocke—*hora nona*.

[Sess. 9.—August 19.]

After in calling upon the name of God, there was a Letter produced from the sometyme pretendit Bishop of Dunkell, showing his unfained grieffe and sorrow of heart for undertaking that unlawfull office of Episcopacie; and withall most humbly craving pardon of God and the Kirk of Scotland, together with a formall dimission of that pretendit office; acknowledging the late Generall Assembly at Glasgow, and all the constitutions thereof; swearing never to meddle directlie nor indireetlie with that pretendit office any more; whereof the tenor follows:—

Be it knownen to all men, I, Alex<sup>r</sup> Leslie, Minister at St Andrewes: Forasmuch as I, by my misivive letteris sent by me to the Generall Assembly of the Church of Scotland, holden at Glasgow, the 21 of Nov<sup>r</sup> 1638, last bypast, doe frielie submitt myselfe, dimitt, and lay doune at the fecte of the said Assemblie, my pretendit office of Episcopacie as pretendit Bishop of Dunkell, and by my Letters promised to subserve what ample forme of dimission thereanent these Assemblies should prescrive: and now the said reverend Assembly hath found and declaired the said office of Episcopacie, as it hath beene termed and used within the said Church of Scotland, to be abjured by the Confession of Faith of the said Kirk, subscribed in the yeares of God 1580, 1581, and 1590; and, therefore, decerne the said office to be removed out of the said Kirk of Scotland. As also, seeing the said reverend Assembly hath decerued me, according to my said Letter, to subserve a more ample form of dimission of my said pretendit office, in the presenee of Sir John Moncreiffe of that Ilk, Baronet—Mr Robert Murray, Minister of Meffen—Mr John Robertson, Minister at Perth—Mr Alex<sup>r</sup> Petrie, Minister at Rynd—and Thomas Durhame, Burgess at Perth—Commissioners appoynted by them for that effect: therefore, for performance of my said Letter, and in obedience to the ordinance of the said reverend Assemblie, Witt ye me to have demitted, quytclaimed, and simpliciter overgiven, lykeas I now, in the presenee of the said Commissioners, frielie demitt, quytelaime, and simpliciter overgive the foresaid pretendit office of Episcopacie as pretendit Bishop of Dunkell, with the whole title, style, name, and dignitie thereof, power of ordination and jurisdiction, voicing in Parliament, and all usurpation of the same in tyme coming, and faithfullie promitts,

and by these presents binds and oblisce me, never to exerce nor use the said pretendit office in the said Church of Scotland, nor no power of ordination, jurisdiction, voicing in Parliament, neither any other power ecclesiasticall belonged, usurped, and acclaimed to belong to the said pretendit office; lykeas, according to the Aet of the said reverend Assemblie, I acknowledge the said office of Episcopacie to be abjured in the Confession of Faith foresaid: And, therefore, most justlie ought to be removed out of the said Church of Scotland, and the whole premises I heartilie acknowledge, as I shall answer to God at the great day. In testimony whereof, I have subscribed these presents with my hand; lykeas, for further securitie, I am content that these presents be insert and registrat in the Generall Bookes of the Assemblie, therein to remaine *ad futuram rei memoriam*. And to that effect Constituts my lawfull procurators, conjunctlie and severallie, *promitten de rato*, &c. In witness whereof, (written be Robert Reidheugh, servant to Patrick Rosse, nottar in Perth,) I have subserivit the same with my hand, as said is, at St Andrewes the 24 of Januar, 1639 yeares, before these witnesses Mr Jo<sup>n</sup> Paterson, and Mr Alex<sup>r</sup> Dundie, Student in Perth, and George Boisswell, Servitour to the said Sir John Moncreiffe.

A Supplication of the Toun of Edinburgh for transportation of Mr Samuel Rutherford, Minister at Anwith, and Mr Robert Douglas, Minister at Kirkealdie, to Edinburgh, presented in face of the Assemblie; and to eschue all contestations and alterations likelie to arise, (by reason of the violent opposition of the forsaid Ministers, and no lesse violent persute of the foresaid supplicants,) if the same should presentlie have bein taken to the Assemblies consideration, therefore did appoynt a Committie for hearing of the reasons of them both, and preparing the same for the Assemblie, viz., Ministers: Mr James Bonar, &c.

The Supplication of the Toun of Air for Mr John Fergushill being againe given in to the Assemblie, the Committie was desired to reporte their diligence thereanent. Their answer was, they had heard the parochiners of Uchiltrie, and though they had a great love to their pastor, yet if the Assembly fand that it might conduce much to the good of the publick that he should be transported to Air, they would submitt.

The Commissioner urged that their transportation of Ministers that way might not be prejudiciall to the Patrons right.

Mr James Bonar answered—The stipend of Air was not a benefice but a modified stipend.

My Lord Argyle said—The Assembly may give way to his transportation, and decerne him to be capable thereof.

The Commissioners Grace desired that if the voices of the Assembly were for him to goe to Air, it might be conceaved that they fand the said Mr John capable of transportation, and gife the Patron give his consent, decernes him to be Minister of Air.

Mr Robert Eliots supplication for libertie of transportation, referred back to his Presbitrie.

To meit to morrow at 9 a clocke.

Sess. 10.—August 20. Twysday—*Hora nona*.

After prayer, the Supplication of the Toun of Glasgow being againe presented to the Assemblie for the transportation of Mr David Dieksone, present Moderatour, from Irwing to Glasgow, he desired Mr Alex<sup>r</sup> Henderson to moderat till that parte



was discussed, requeasting the Assembly hold their eyes single upon the glorie of God and good of the publick, in respect he had casten the conclusions of his mynd upon the determination of the Assembly.

The Committie appoynted for hearing all reasons and prepairing of them for the Assembly, being desired to reporte their diligence, gave in with the reasons of the Toun of Irwing why the said Mr David should not be transported, with the answers of the Towne of Glasgow to these reasons, together with the replies of the Toun of Irwing to these answers, and the duplyes of the Toun of Glasgow to these replies—all which, with many other powerful and persuasive reasons, delyvered by mouth of Mr Robert Barclay and my Lord Eglintoun on the one hand, and the Commissioners of Glasgow and Ministerie on the other hand, being all publictly read and heard to the full, the matter was putt to voiceing.

Mr Alex<sup>r</sup> Carse, being first in the roll, said—Ye have to consider—*erit judicium, res erit in effectum*. Yet when the affection hath any reasonable centure of judgement, it is dispensible with. What heartie affection we affect that noble Earle who hes interest in our Moderatour—not for any personall or partial respect, yet in such sort that next unto God who upon the Mount was scene—next unto the Kings Majestie, who made us heare the voice of joy, we owe ourselves to these worthie Nobles; and such by mediation have beene instruments to procure our happinesse. Therefore, for my oune judgement, it were a hard case to remove a tree thus well grounded and faithfull, but keeping it still that it may bring forth more fruite. Therefore I voice for Irwing.

The roll being called, the voices for Irwing exceeded the voices for Glasgow about the number of 24.

The Committie for Reportes were desired to give in their diligence to the Clerk, that particular notice might be taken of their proceedings.

The Commissioner said—You remember at our first entrie to this Assemblie, we layd all doune a conclusion for eschueing of rockes—to witt—either the mentioning or prejudging the Assemblie of Glasgow; and I conceive some processes that have been deduced against some Ministers for whom numbers of Supplications are presented to me, that their case may be represented to this Assemblie; for as I desire that these whose cases are so considerable may be taken to heart, so, on the other pairt, whosoever shall be found by this Assembly to deserve such sentences as have beene past against them, I shall consent unto it willinglie: for as I desire to eschue the one rocke, so would I have yow holden off the other. Therefore, I shall represent to your consideration if it shall not be fitt that there be some of this number from all corners of this Kingdome, where thir men live, who hath beene processed, and doth now supplicat, that may meit in privat with me; and it may be, when particulars are considered by us, we fall upon some mids which both may satisfie this Assemblie as eschue such rockes as hitherto we have shuned.

The Assemblie said, this desire of the Commissioners Grace is most reasonable; and therefore did appoynt that the Moderatour or Clerk of everie Commission, or, in their absence some other worthie minister, with a ruleing elder from everie ane of the several Commissions, should meit with the Committie for Reportes, and my Lord Commissioners Grace at Kinghornes lodging.

A committie appoynted for taking up of the names

of expectants, vacant churches, and deposed ministers for non conformitie, or holden out for that cause. (*Hic deest.*) To meit in the Assembly house at 3 a clocke in the afternoone.

To meit tomorrow at 9 a clocke.

Sess. 11.—*Hora nona*, Wedinsday [Aug. 21.]

The question about the alleadged adulterie of William Guarstone pursued by a minister in the Presbiterie of Penpont, remitted to the Committie for the Billes.

The Supplication of Mr George Hannay, sometyme minister at Torphichen, but suspended for the present by a Commission, for restauration of his place; remitted to the consideration of M<sup>s</sup> Alex<sup>r</sup> Hendersone, Andro Ramsay, David Lindsey, John Adamson, Andro Abercrombie, Andro Mill, Andro Wood, Laird of Dundas.

The Toun of Edinburgh, and the Toun and Colledge of S<sup>t</sup> Andrewes having presented supplications for the transportation of Mr Samuel Rutherford from Anwith to each of them, after many contestations and altercations, and the reading of the reasons of Aberdene and Edinburgh, and answers to each of them from other, and the reading of Mr Samuells owne reasons for not transportation at all from Anwith, the said Mr Samuell, by the farr greatest of the voices of the Assembly was ordained to goe to S<sup>t</sup> Andrewes to serve in the ministerie, and make such helpes in the Colledge as God shall afford him abilitie for.

Sessio 12.—To meit at 9 a clock [Aug. 22.]

After prayer, the Moderatour said—We trust that the Assemblie hath a right construction of the lazarlie proceedings of the Assemblie. The Lord was graceous unto ws this last weeke in bringing our privat businesses unto a publick and unanimous conclusion. This weeke, also, hath been spent in prepairing matters for your greater satisfaction. That our proceedings may offend none, but give contentment to all in reasone, we have to doe now with the Reportes; and, becaus the particular cases of them who were processed before the severall Commissions are many, we must put difference betweene the faults and repentance of men, that none may in justice complaine, but that he is dealt justlie and moderatlie withall.

The Commissioner said—I desire that everie thing be rightlie understood, that there be no mistake betwixt his Majestie, or me his servant, and this Assemblie concerning these deposed ministers. I have already spooken my mynd in it, and in no other termes but that the state of your processes be so taken to this Assemblies consideration, that if they be found worthie of deposition, let them be deposed. But for such of them that are only guiltie of the errour of the tyme, whereof our Master hes beene guiltie (this is an ill wealed word, but I know it is so taken) as their refusing to subscribe to the constitutions of that controverted Assembly at Glasgow, which they have done by his Majesties speciall commandment, and according to the light of their consciences, which they thought right then, I shall only represent to the Assemblie whither or not they thinke our Master may expect from us that such ministers who for life and doctrine shall be found fitt to exercise the calling of the ministrie upon their submitting of themselves to this Assembly, to the determinations of this Kirk, should not be restored to their places? I speake it to this end; and I beseeche yow take it right, that since our Master



goes so farr on our way with us in removing all the occasions of our feares, and hath appoynted to this Assembly to try whither these ministers deserves such a sentence now if they shall submitt themselves to this Assembly? I only represent to your consideration, whither in some things we ought to doe that that may satisfie our Master?

The Moderatour answered—We intend equitie and moderation, that none shall have just cause to complaine. In the meantyme, becaus it is incumbent to this Assembly to cleare their mynds towards his Majestie, I will speak a little. I will not admitt to say so much as your Grace hath said. We will not let that much imputation to goe from us so high as to speake of guiltinesse in his Majestie, who hes not bein brought up heir. We will lay the guiltinesse upon the ministers, who should have knowne the constitutions of the Kirk of Scotland; and, therefore we heare plead that his Majesties honour may be cleared, and they seeme to be in the calk. This I speake not, but this Assembly may shew all moderation and favour to those whom his Majestie requires, in alse farr as we wrong not trueth, and the libertie and constitutions of the Kirk.

The Commissioner answered—I believe the most of these men that declyned the last Assembly, they did so upon one of two grounds—either becaus they could not thinke lay Elders to be lawfull members of the Assembly, or becaus their judgment went not along with us anent Episcopacie, in both which our Masters judgment was ane and the same with them. Yet now, upon their acknowledgment of their errours in these, and submitting themselves to this Assembly, I only remitt it to your consideration if yow can thinke yow should deale so strietlie with our Master, who hes condiscended so farr to our desires, that he may not expeet something may be done in this, since it may be done without prejudice to the Constitutions of the Kirk whereof yow pretend yow are so tender. Therefore I desire this Assemblie to consider wiselie of it, and not to be led away with your aune particulars—their spleene at these men or their affection to others whom they would have in their rounge.

The Moderatour said—It is our purpose to put a difference betwixt those who have only done according to their light in these two things your Grace mentions, and betwixt those whose life and doctrine have beine scandalous, and to shew all the moderation to that sort that your Grace desires.

The Commissioner said—I believe some of the members of this Assembly, who were appoynted yesternight to speake with me, dealt so ingenuously with me as to say, that although there were many things alleadged against these ministers, yet could they not be legallie tryed, except with these things that I have alleadged; for though they were scandalous in some thinges, yet could there be no formall proces led against them. Now it is a dangerous position, that a man shall be eondemned for suspicions, becaus his air and the way of his carriage agries not with others. Let us looke to it; for though in their judgement they would not subserve the Covenant nor allow lay elders, yet to sentence them for that, I thinke it a dangerous rule.

The Moderatour answered—Grants to your Grace; but so purpose we to proceed that our moderation shall so appeare as your Grace shall consent als willinglie as we.

The Moderatour desired Mr Andro Ramsay, Mr Alex<sup>r</sup> Henrysone, and Lord Lowdown to declair their judgments.

Mr Andro Ramsay said—I thinke there is no man but he will applause to your Grace in gene-

ral; but as for the particulars, they who are judges can cognossee better, and upon their relation the judgment of the Assembly may rest; for, as I said yesterday, there are four causes of their removing or deprivation from their Kirks; either becaus they have not consented to the Acts of the Assembly, or becaus they have deserted their flockes, or for corruption of doctrine, or for vitiousnes of life. The two last his Grace pleads not, but only for the first two, which I remitt to the judgment of the Assembly and thinkes it should be handlit with moderation to his Graces satisfaction.

Mr Alex<sup>r</sup> Hendersone said—Truelie for my selfe I have no spleen against any of these Ministers, and I believe they have none at me. I have beine more blamed this tyme bygone, for that that is called moderation, than for any great vehemencie against any persone; but for that the Commissioners Grace hes beine saying, I thinke verilie there will be many that will be willing to submitt themselves to the judgment and determination of the Assembly. But I should wishe that they would confesse some errours in their judgment before they submitt themselves. Alwayes I thinke it is but a dabbling with untempered mortar. These that are not of the judgement of our Kirk, they will be pleased to professe themselves to be such, and then let them be conferred with and convinced. As for others againe whose judgment has gone after their affection and their affection after the world, these hes need of repentance; but I thinke they should first acknowledge that there is something done amisse, and that they have beine guiltie of some errours; and I thinke by your confession they doe great honour to God, and establishe a more perfect peace betwixt them and their brethren.

Lord Lowdown said—So many of them as have not beine present where they were processed upon, and representation of their case to this Assembly by supplication, deserves to have their proces considered of here, or some appoynted by the whole Assembly to heare them.

Mr Alex<sup>r</sup> said—I thinke, verilie, there should be a difference put betweene those who have not followed their practise according to the tymes then, but also hes troubled others beside them, yea, and hes run into England to doe all the ill they could there, and betwixt these who in modestie and simplicity, so to speake, hes followed their owne judgment, thinking it to be right.

The Commissioner said—I shall only differ from Mr Alexander Hendersones opinion in this—that I believe that none of the ministers that went to England, went neither out of wantonnes, nor of a purpose of oary misinformation, but meirly out of necessitie, for not having stockes of money. I thinke were [it] not the Kings bountie they should have starved, and with what peace and securitie could they live here during the troubles of this countrie? so it was not only but fitting, but necessary that they should goe.

Mr Alex<sup>r</sup> Hendersone said—Divers of them went to England with full purses, and others of them stayed at home in securitie; so that it is evident neither povertie nor fear made them goe out of the Kingdome.

Earle of Rothes said—I thinke, according to the order of this Kirke, which we cannot goe by—for there are cleare Acts for it—ye must take the reportes of these that have beine ou the former committies, and then it shall be fitt to eognossee of particulars according to the degries of the faults and the measure of their repentaunce; and I assert so much to the Commissioners Grace, that if these men be



so free as his Grace declaires, I trow there hath beine so much moderation shawen in the Act of the deposition, that they were sought with all earnestnes and kindnes to acknowledge their mother Kirk; and I believe that some charitable disposition will remain still. But can it be thought enough that a man shall come in heir before this Assemblie, and declair that he assents unto the institutions of this Kirk, who is knowne not only to be in some things corrupt in his judgement, but disassenting from the orthodox doctrine of the Kirk of Scotland, and corrupted with many moe errors.

The Commissioner said—I suspect if yow looke some of your processes, you shall find little more proven against some of them, but these thinges whereof I have spoeken, except it be some pycked quarrells. But if your Lordship and this Assembly conceaves that we can doe nothing in that but by takeing in the reportes and makeing formall Acts thereupon, which is nothing but to evince what we professe to ayme at, and to fall upon those rockes which we have hitherto eschued, I doe professe that I can neither consent nor be a witnes unto it. As for the second—for being of adverse judgment, I hope yow are not so cruell as absolute-lie to condemne a man for being of a contrare opinion anent Ruleing Elders or such other.

Roths said—If any man hes made a declaration to your Grace that they have beine processed for no other crymes then that, your Grace should notifie such; and I thinke the Assemblie being now conveyned, he that thinks himselfe thus wronged—that thinges have beine layd to his charge that it cannot be cleared—it should be considered by the Assemblie. As for your Graces answer to the last parte of my speech, my meaning is—not only any opinion of unlawfulness of Lay Elders, but a judgment different from the whole frame of the doctrine of our Church at the Reformation as it is now restoired, and likeways comitted Arminianisme and Poppishe tenets: and here I cannot but remember that man who, in presenee of your Grace, layd some imputations against some worthie Members of this Assemblie. For my parte, I presse that this proces may be ryped up againe, and I can bear witnes that that man Mr John Lindsey, sometyne Minister at Carstaires, hath beene corrupt in his judgment, hereticall in his doctrine, directlie opposite and adverse from the judgement of the Kirk of Scotland, and a maine incendiarie and enemie to the worke of reformation in this land. This shall be made good to your Grace; and if your Grace would paine yourselfe with the particular, we shall cleare it to your Graces satisfaction.

The Commissioner said—I desire to eschue nothing so much as the rypeing up of the particulars that reflex upon one of zon rockes that we have hitherto eschued; and if this Assemblie will goe on to their formalitie anent these reportes which I will not dispute much against yow, yow shall force me to a protestation which I have hitherto spaired; and, therefore, I shall desire that some such motion may be made how this rocke may be eschued.

My Lord Argyle said—Becauss it may be, the Commissioners Grace spaires to speake such free language as need were, for feare of offence, and, on the other pairt, the Moderatour doeth in free termes expresse himselfe for fear to light upon the other rocke, and so it may be, many of this Assembly knowes neither what his Grace nor the Moderatour would be at: therefore I represent to the Assembly that all may understand what we would be at, and I believe that soe much tyme and losse as the agi-

tation of it in publict would take, will suffice to cleare the matter better in privat.

To the whilk motion the Commissioners Grace and the whole Assembly did applaud, and for that effect did nominat—[not named].—Becauss the roll of their names was enlarged and given in more perfectlie the next Session, we here omitt it.\*

The Supplication of the Toune of Edinburgh for the transportation of Mr Robert Douglas from Kirkcaldie to Edinburgh, was againe presented to the Assemblie; and after the hearing and reading of all reasons betweene Kirkcaldie, Mr Robert Dowglas, and the Toune of Edinburgh, the rolls were called, and the said Mr Robert Douglas was chosen Minister to Edin<sup>r</sup> by the farr greatest parte of the voices.

To met at 4 a clock in the afternoone.

Sess. 13.—*Hora quarta* in the afternoone.

After prayer, the Moderatour said—According as we left before noone, we have beine taking some course how exceptions may be taken away from any that would desire to carpe either at our forme or our present proceedings. As we appoint a Committie to take in the Reportes, so have we now, to facilitat our bussines—so have we now enlarged the number, and divided them againe in four Committies, for the greater accelerating of matters: viz., ane for Edinburgh and Jedburgh—the 2<sup>d</sup> for Irwing and Kirkeudbright—the 3<sup>d</sup> for St Andrewes and Kirkcaldie—and, 4, for Aberdeine and Forrest.

For Edin<sup>r</sup> and Jedburgh, Mr Robert Knox, and so forth, *hic deest*.

The Supplication of Leith being againe presented and red in face of the Assemblie, Mr James Scharpe, Minister at Govan, was transported to Leith, with the consent of all the Assembly, none opposing.

A Complaint of ane Mr Robert Hatsone, Minister at Grange, upon ane George Jamesone, for stryking and abusing of the said Mr Robert to the indangering of his life, for no caus but becauss the said Mr Robert had summond him before the Presbitrie for living in fornication, referred earnestlie and humble to the consideration of the Commissioners Grace.

A Complaint from the Toune of Peiblis against their reader, referred to the Presbitrie.

A Supplication for the transportation of Mr Frederick Carmichaell from to referred to the Presbitrie.

\* It is impossible to peruse this interesting debate without remarking how assiduously the Commissioner, and those to whom he was opposed in the argument, kept in the back ground the main objection to the Assembly exercising judiciale functions—namely, that it had no legal power to do so. The Assembly 1638 had not obtained the civil sanction to give any of its proceedings, or those emanating from its instructions, any legal authority—and the declarations of the Assembly 1639, *confessedly* by the Assembly itself, required the sanction of Parliament ere the Presbyterian Constitution could be in full and legitimate operation. It was, therefore, evidently premature and unwarrantable, to assume, at the very moment that so much anxiety was expressed for that sanction, that it already possessed that judiciale character which it could not possibly derive, as an Establishment, from any other source than the supreme legislature of the country. It must be remembered that, by law, Episcopacy was still the established form of national religion; and nothing more preposterous can be conceived than the project of punishing any man merely for adhering to it.



A Bill of Forgane in Fife, for Mr David Forrests transportation, Minister at \_\_\_\_\_, referred to the Presbitrie.

The Bill of Invernes against their Minister, referred to the Provincall Assemblie.

A Supplicatione for the change of the Presbitrie seat of Mearnes, referred to the Committie for the Billes.

The names of these that were to preach on the Sabbath day, &c. [not given.]

The forsaid Committie to meit with my Lord Commissioners Grace in the severall rounes of the Tolbuith, to-morrow, at 6 a clocke. The Assemblie to meit at 10.

Sessio 14.—*Hora decima*, Friday, [23 August.]

After prayer, the Moderatour desired the four severall Committies to give in their diligence; and, first, for the north, Mr David Lindsey, Moderatour of that Committie, gave in the summe of the proces against Mr George Gordoune, which was found to have beine clearlie proven, and the Assemblie did approve the sentence of the Commission against him.

A Supplication from Mr James Sandilands, Canonist in the Kings Colledge of Aberdeine: That whereas the late Commission from the Generall Assemblie had abolished the said faeultie whereof he was Professor, did therefore supplicat the Assemblie for annulling the said Act, in respect he was only cited before the Commission to be examined upon his personall carriage, and, therefore, neither had they warrand to doe further, nor he was bound to answer them in further, and that becaus there were not a sufficient quorum there present at that tyme.

The Assemblie, at the desire of the Commisioners Grace, delayed it till the next Session.

As there were some other Reports coming in,

Lowdoun said—The tyme for the Assemblie is now far spent, and the Parliament approaching verie neare; and, doubtles, there are many materiall things to be done before the elosure of this Assemblie. It wer fitt that these matters be pretermitted. I shall represent this to your consideration to be thought upon. Since all of these deposed Ministers, who are desirous to be heard, are either such whose faults are so palpable grosse, that on the first view they may be scene to deserve their senteuice, these does not deserve in so short a tyme to have re-entrie to the Ministry, and so needs not to trouble the Assembly at this tyme. Others are mainly, declyning the Generall Assembly, who otherwayes are not so vitious, and who, now professing penitence, would be received upon their repentance, and the more moderatelic dealt with, that the Commissioners Grace doth now sollicite for them. Others also whose proces is more darke and intricat might be laid by at this tyme, that so, if our tyme cutt us schort, whichever is left, it may be of thir personall matters.

To the which motion the Assemblie, with the Commissioners Graces consent, did applaud, and, for that effect, desired the severall Committies to take up a roll of these who were onlie deposed for declyning the Assemblie, and were now supplicants, and to put a difference between these and others who were more grosse in life and erroneous in doctrine; and so, matters being made cleare before they came to the Assemblie, it would facilitat the matter greatlie.

To meit at 4 afternoone.

Sess. 15.—At 4 a clocke in the afternoone.

After prayer, the Moderatour of the Committie for Edin<sup>r</sup> and Jedburgh did report, that they had scene the Supplicationons of Mr Robert Hauilton, Minister at Lesmahago, Mr John Hamilton, Minister at Dalserff, Mr William Forbes, Minister at Campsie, Mr James Hamilton, Minister at Hamilton, and we find them of different natures—some of them exceeding humble and penitent to us, others of them nothiug so. As for Mr Robert Hamilton, the Committie thinks he is not to be suddainlie received; for he was that ingenuous as to confesse his opinion of universall grace, and said it was verie probable. And lyke wayes his error anent the matter of baptisme.

The matter being put to voicing, the whole Assemblie, in ane voice, did allow and approve the proces and sentence given out against the said Mr Robert by the Commission.

The Commissioners Grace did so allow the same, but only as ane Act of this Assemblie.

The second Report was of Mr John Hamilton, Minister at Dalserff, whose proces was cleare—guiltie of symonie at his entrie; changing of the Elders of the Kirk, contrare to the order of the Kirk, for his oun ends; concealing of adulteries; misearriages upon the Sabbath day.

The rolles being called, the Assemblie did approve the sentence against him.

The Commisiouers Grace alleadged that these were verie hard proceedings, and he was affrayed they should yet run themselves upon ano of the rockes they had hitherto eschewed.

It was answered by the Earle of Rothies, Lord Lowdoun, and the Moderatour, that they behoved to testify their detestation of such lewd practises and erroneous opinions, as they loved the honour of their Lord and Master, who was very jealous of it; and yet, so as they should be most willing to testifie their compassion to any penitent persones; and desired that, if the Commissioners Grace knew a better way to eschew rockes, his Grace would delclair it, and they would follow it.

The 4 Report was Mr David Fletchair, who was deposed for reading of the Service Booke, and subseriving of the Declinatour, but was uther wayes a man of good behaviour, and free of all sort of heresie, and was now truelie penitent for that which he had done.

The Assemblie did approve the sentence, but did grant him the freedome to be received to the ministrie at the first occasion that should offer.

Mr W<sup>m</sup> Forbes, Mr James Hamilton, Minister at Hamilton, and Mr James Hamilton, Minister at Cambusnethan, deleyed till the morne.

The Assemblie to meit at 9 a clocke; and so, after thanksgiviug, the Assemblie dismissed.

Sess. 16.—August 24, *die Saturne, hora nona*.

After prayer, the Moderatour said—The reason of our stay so long this morning is, becaus we are labouring for a fair way, and we find the Commissioners Grace verie much inclyned unto it. And we are seeking to give such a meeting as becomes good and obedient subjects, and for that end we trust delay to speake of the rest of the reportes at this tyme, if the Assemblie shall so thinke it fitt. In the meane tyme I regrate that this nationall Kirk suffers under a declaration fathered upon the Kings Majestie. I regrate that many honourable members of this Kirk suffers lykewayes: yea, I regrate most



of all that his Majestie suffers, being made the speaker of the whole storie, which could not come to his Majestie but by reporte; and therefore I desire that this may be taken to consideration, how the Kings honour may be repaired—how the honour of this Nationall Kirk may be repaired; and that every thing in this bussinesse may be done as becomes such a grave Assemblie, assisted with the Kings Commissioner.

The Commissioner answered—For the first parte of your discourse, our deley is taken in good parte by all honest men who thinkes no tyme long nor ill spent in rectifying abuses, and in that fair way as may give content both to the King and people. And if on the other parte, they thinke not this a worke of difficultie, they are mistaken. Therefore let us lay aside all consideration in thir particulars that may concerne ourselves, and with patience and moderation goe on as we have begun, that the closing may be [up to] our expectation; and if we keepe not this way, my weaknes may carry me on the ane rocke, and your forwardnes, yow on the other: therefore I thinke some few dayes should not wearie us, much lesse some few houres that is spent in prepairing of ourselves to come heir, that so, according to my intentions, according to my Masters directions, and that that I am confident is all your resolutions, that so our Master may get satisfaction and we may get our desires, which I conceive is nothing but to testifie our loyaltie to our Gracious Sovereigne, securitie to our religion, and establishment of the government of the Church. I believe these are all our ends.

For the second parte of your speache, I shall desire that nothing I have to say be taken hold upon; for all that I may bragg of my selfe is, that I have gained so much as to be in some measure sensible of my oune weaknes. Tho' in some thinges I may fancie ane extemporarie answer, yet, before I speake much, I shall desire to take it to my consideration. Yow have beine pleased to make mention, in a very modest way, of a Declaration, which, if I take it right, is a Booke wherein is expresst the whole progress of our proceedings: and truelie, sir, the way that yow have expresst it, no man can take exceptions against it. Yet I shall recommend to yow, since it carries the title of my Masters name, that whatever be your sense of the particular, and wherein yow conceive his Majestie hath had misinformation, yow may walke so circumspectlie as may testifie that yow tender his Majesties honour.

The Moderatour answered—It shall be our serious endeavour in all things, and especiallie in that particular, to testifie that we tender his Majesties honour as the apple of our eye.

The Commissioner said—Since I understand it concernes my Master so neare, I desire, before yow bring it any more in publict, that some may speake with me in privat.

Earle of Rothies said—There would be difference put betwixt that that is reallie done by the King. Anent that which his Majestie himself heard with his eares, and saw with his eyes, we thinke it becomes us to speake verie tenderlie of it; but for that which hath come by misinformation, we must cleare that to the full.

The Moderatour said—Please your Grace: that this bussines may be more warilie and wiselie handled, if the Assemblie thinke good, let some be appoynted to revise the Booke, and they will distinguish all, and prescrive such a wise method as we cannot weill erre in.

The Commissioner said—Truelie for my selfe, I am willing to speake my aune mynd frelie. For

me, I thinke the desire is modest and fair, and I shall be glad to heare anything further in that.

Mr Alex<sup>r</sup> Henrysone being desired to give his judgement, said—Truelie, for the matter itselfe, it is verie necessar, and I trust it will give no offence to the Kings Majestie that that Booke be looked on and examined: for, in trueth, I thinke it were a dishonour to the Kings Majestie to be King over such subjects, both in Church and State, as are described in that Booke; and I believe it is not written by his particular direction, nor is he acquainted with the particulars of it. But these thinges must be left to the view of these that are appoynted by the Assemblie, who, I trust, will make such particulars in it as may tend both to Gods honour and the Kings, whereof we are very tender; and I trust it shall appeare—yea, I am persuadit of it—that we are more tender nor he that hes written the Booke.

To the which, the Assemblie did condescend, and for that effect, did appoynt to view the Booke: *Ministers*—Mr<sup>s</sup> Robert Baillie, Andro Ramsay, John Adamsone, Alex<sup>r</sup> Petrie, Mathew Brisbane, John Smyth, John Reid, Jo<sup>n</sup> Home, and Thomas Craufuird: *Nobles*—Rothies, Cassiles, Lowdown, Kirkcudbright, Burlie, Auldbar, and the Shireff of Tiviotdaill: appointed to meet together and divide their aune taskes, and be diligent students; further, whosoever had marked or noted any thinge of the Booke, of their aune observatione, let them give it in to these that are named.

The Towne of Ed<sup>r</sup> presented a Supplication for the transportation of Mr William Bennet from Monymuell to Ed<sup>r</sup>; and, after the hearing of his reasons, and his parochiners, the matter was put to voicing; and the said Mr W<sup>m</sup> Bennet ordained to stay at Monymuell, by the greatest parte of the voices.

The Supplication of the Kirk of Dennune to the Assemblie, to grant a warrand to build the same, and make it a distinct church, referred to the Parliament.

The Supplication of the Laird of Halhill referred to the Provinciall of Fyffe.

The Committie for Reportes to meit at 2 houres with the Commissioners Grace at the Abbey.

The Assemblie to meit on Monday, at 8 houres.

Sess. 17.—Monday, *hora nona*. August 26.

After prayer, the Moderatour desired the Committie who were appointed for revising the processes of such Ministers as were now supplicants to give in their diligence.

The first reporte was for Mr Andro Collace. The Moderatour of the Committie for Ed<sup>r</sup> and Jedburgh, Mr Harie Rollock, declared that they found him to be deprived for drunkennes, actuall and habituall—subscriyving of the Declinatour of the last Assemblie—remaining disobedient to the constitutions thereof—for sacriledge; and, further, they found some pretended answers to the forsaide pointes processed against him: his maine answer to them, in generall, was that the witnesses who had proved the same were somewhat of kin to the Provost of Dundie, whom, he alleadged, was his accuser. It was answered by the Moderatour, that the Provost did onlie accuse him in name of the paroche, and, by that meanes, none might be witnesses against him who were of kin to any of the paroche.

The Commissioner said—I am to plead for no vitious man; but I thinke it would seeme too summar to approve his sentence presentlie; for I thinke all this Assemblie hes not heard all these reasons of his red, nor if they had, have they tyme to pon-



der them. I perceave all the processes are of two natures—either for declyning of the last Assemblie, &c., or for personall faults. Now, these deserve diverse considerations, and, I say, this is a certaine ground—that this Assemblie resolves not to puisehe all alike, but that, according to the nature of their faults, yee will show them favour, less or more. Now, if ye shall goe on squairlie to approve all the reportes, I doe but onlie represent to your considerations whither this be not to barre the doore, and tye your owne hands from showing favour to these whom ye would show it hereafter.

The Moderatour answered—We will not approve of any proceedings of the Commissions, how lawfull soever, but with a reservation of justice to them that will seeke a reduction, and of mercie to them that will supplicat for favour.

The Commissioner asked—Before whom must they seeke a reduction of their proces ?

The Moderatour answered—Before a Commission from this Assemblie.

The Commissioner answered—If this Assembly shall not approve the sentence of the former Commissions from the last Assemblie, and the partie sentenced seeke a reduction of the proces before a new Commission from this Assemblie, can he ever expect another answer ? But it is already decayed before this Assembly, or, if they doe otherwayes, they shall oppose the formalitie of this Assemblie.

Argyle answered—The Commissioners may doe legallie and formallie in judgment, according to the probation of the witnesses, and yet the pairtie may thereafter improve\* the deposition of the witnesses ; and soe he may get favour either when he improves that is done, or upon his repentaunce.

Roths says—It stands verie weill with formalitie to say the sentence was justlie pronounced upon that that was proven at that tyme, *secundum allegata probata* ; as, for example, they declyned their Mother Kirk at that tyme ; and what could the Kirk doe lesse than depose them from it now ?—They having rectified their judgement, they recall the sentence, and recommends the men to your Grace to be provydit at the first occasion ; and soe there is a cleare distinction. The Lords of Session may reduce their owne decreits, the pairtie compeirand who before was absent, and impugning the probation. As for these who have done nothing but declyned the last Assemblie, upon their acknowledgement of their error, and supplicating for favour, are presently put out of controversie, your Grace shall get satisfaction ; for the Assembly shall presentlie declair them capable of a ministrie ; but for others who hes beene procest for personall faults, and neither compeiring themselves, nor no procurator for them, but all proven, I remit to the judgement of the Assemblie, whether or not they, compeiring before ane other Commission impugning the processes, saying the witnesses wronged them, and using legal objections, the Commission from this may repone the sentence, and make it null ? But I thinke if they have been able to doe this, they should have offered before this Assembly.

The Commissioner said—They choosed rather the way of humble supplicating, becaus they conceived it most satisfactorie to the Assemblie ; and I trust the Assemblie shall not take advantage by that to proceed the more strictlie against them ; but, if they heare of this, I thinke some of them shall mene their supplications against the afternoone.

\* *Improbation*—a form of process in the law of Scotland, under which the testimony of a witness was challenged.

Argyle said—I shall represent to the Assemblie this mids. Let the Assemblie approve the diligence of the former Commission, and remit further consideration of the proces to a Commission from this Assemblie.

Lowdoun said—It would be considered that there are two parties interest in this question : first, there is the Commissioners who had the charge of the former Commissions and ar now makeiug their reportes for their exoueration ; 2<sup>d</sup>lie, There is the pairties now supplicants, and they are either such as upon their penitence or acknowledgement of their errours, and upon their ignorance of the Constitutions of the Kirk, doth merite favour ; or they are such as complaines iuformalitie in their proces, and so seekes to have them reduced and aunulled. Now the ane pairtie—to witt, the Commissioners, seekes to be exonered. The uther pairtie supplicants, seekes, that they may not be so exposed as they be stoped from being heard hereafter. Your Grace objects how that can be reduced, which, after it is deduced, is approven hore ? If it lyke your Grace, verie easilie. The Assemblie doth approve that they have done, *secundum allegata probata* ; and yet this approbation may be given with this qualitie, that it be without prejudice to uthers to be heard, and to reduce their sentences before the Commission, and grants Commission for that effect. This being a parte of the Act, it keepes the mater intcere for reduction. Now, tell me if any pairtie be wronged by this ?

Argyle said—I hope your Grace, by urging of this Assemblie not to approve the sentences of the Commission from the last, doth not intend to make us doe any thing which may import our passing from our Assemblie at Glasgow, which we will never doe. Whilst we breath, we cannot thinke this ; for some of them are approven already. It is lykewise a great mistake to thiuke that [by] our craving of the bringing in of reportes, we seeke ane approbation of the last Assemblie.

The Commissioner answered—Your Lordship speakes to verie good purpose. I intend no such thing ; but onlie I declair what is done in this I will assent unto it as ane Act of this Assemblie.

The Moderatour said—Please your Grace, I have bein drawn up the forme of the Assemblies approbation of these sentences, which I hope shall both give satisfaction to your Grace and to the Assembly :—

“The Assembly, after the receaving of the Reportes from the Committies, approves their proceedings ; without prejudice of any favour that can be shewed to any pairties, upon their supplications, or of justice to such as complaines of their proces, and offers to impugne the same, by whatsoever reasone, competent by the laws of this Kirk and Kingdome : Lykeas the Assemblie doth grant Commission to that effect.”

After much agitation, this forme was agried upon.

The next Report was of Mr Robert Rollock, who was found, by the Committie, to be deprived for non-residence for 3 yeares ; 2<sup>d</sup> For neglect of his charge while he was with it ; thirdlie, for maintaining the universalitie of Christs merits, and the falling away of the Saints.

The said Mr Robert compeirand, and being demandit what he had to answer for himself, alleadged that the witnesses who deposed these thinges were ignorant men ; 2<sup>d</sup>lie, That he did not in preaching, but in privat, affirme the forsaid pointes. The Committie finds his proces clearlie deduced, and sufficientlie proven.



The Assemblie approve the Sentence, with the foresaid reservation.

The Committies were ordained to have their Reportes readie written against afternoone.

To meit at 3 a clocke.

Sess. 18.—*Hora tertia* in the afternoone.

After prayer, the Moderatour called for the rest of the Reportes.

The Moderatour of the Committie, Mr Hary Rollock, answered—There is Mr James Hannay and Mr Alex<sup>r</sup> Thomsonsone. We find they were deposed at ane Committie joyntlie for reading the Service Booke and subscriyving the Declinatour, and the Committie finds that it was verie formallie deduced.

Mr W<sup>m</sup> Ogstane, sometyme Minister at Coling-toune, was deposed for deserting of his flocke—causing his people (after a superstitious way) sitt on their knees when he examined them—medling with the poore folkes box, &c.

Mr George Maxwell, Minister at Dumbar, for foule errorrs in his doctrine, as his proces at length beares—for medling with the poore folkes box, hard usage of his flocke and paroche, &c.

Mr George Sydserfe, at Colberspeth, for contemning his Presbytrie, preaching after his deposition, &c.

Mr W<sup>m</sup> Whishart his proces is so lang, that it is a volume—onlie we have drawn up his dittay in these thrie generalls—in his doctrine, life, and discipline. I remember of ane particular of his doctrine, proven be all his paroche, preaching upon Genesis, how Isaak desired his wife to say she was his sister. He gave a marke. “If God (said he) had punished the father, the Sone had never fallen in the like fautt”—common drunkenes, notour, &c.

Mr John Watson, in the Canongait, for deserting his flocke, contemning his Presbitrie, and declyning the Generall Assembly. All these Processes the Committie finds to be formallie deduced and sufficientlie proven.

Mr Francis Harvie, of Zeattam, was deposed for contempt of his Presbytrie—for setting up of ane altar and rail—for declyning of the Assemblie—for a cruell act of his hands in stryking of a man that within short tyme thereafter he died—an of the most notorious railers against worthie Noblemen that ever was heard tell of.

Lastlie, Mr Patrick Lindsey his proces is very fearfull, for its all grosse Poperie and Arminianisme—yea, there is not a poynt of Arminian doctrine or Poperie but he hes mentained it in the grossest way. We find all these orderlie deduced.

The next Committie for Kirkcaldie, Dundie, St Androwes, was called upon to give in their reportes. Mr Robert Douglas, Moderatour of that Committie, answered—We found all the processes that have come before us formallie deduced, viz., Mr John \_\_\_\_\_, Reader, Vicar, and Procurator of the Kirk of Dundie, was deposed becaus he tooke upon him the office of a preaching Presbyter without a flocke; 2<sup>d</sup>lie, He did contemptuously disobey the Constitutions of the last Assemblie; 3<sup>d</sup>lie, He did not onlie refuse the reading of the Confession of Faith, but mocking, called it the Jewall of Four. He absented his charge often 4 weekes together. Mr W<sup>m</sup> Wischart, Minister at St Androwes, was deposed by that Presbitrie, and their assessours adjoynd to them, be the last Assemblie, for deserting of the flocke for the space of 18 moneths together.

Doctor Panter, of the New Colledge of St Androwes, for his erroneous doctrine taught to his schollars, found in his Note Bookes, at large exprest in his proces.

Mr Hary Scrymgeor, for his fornication confest, &c.: first, for not catechising his people for the space of 12 yeares; 2<sup>lie</sup>, Becaus he affirmed the Nobles were taking the crowne off the Kings head to sett on their owne; 3<sup>lie</sup>, For calling the Covenant a black Covenant; 4<sup>lie</sup>, For disobeying the Presbitrie; 5, For obtrudeing his Sone to preache and administrat the Sacraments, not being called thereto.

Mr Androw Learmonth, for calling all the Covenanters perjured—declyning his Presbitrie and the Generall Assembly—refusing to intimat the Bishops sentence. He gave in a Supplication this morning to the Committie, and tooke it up againe and promised to correct some faults in it, and bring it in againe the afternoone, but hes not kepted his promise. These we find all formallie deduced.

The third Committie of Irwing and Kirkcudbright called. Mr Mathow Brisbane, Moderatour thereof, said—We find Mr James Hutchisone hes beine deposed not only for declyning of the Assembly but for sundrie other grosse enormities—profanation of the Sabbeth, drunkennes, stryking of ane John Dougall as he was going into the pulpitt, and sundrie other pointes.

Mr James Stewart, for declyning the Assembly—non-residence the space of six Sabbeths together—imprecations out of the pulpitt against his paroche.

Mr Thomas \_\_\_\_\_, of Cameray, for grosse drunkennes, profanation of the Sabbeth, ordinary swearing, oppression, stryking, &c., not only proven but confessed by his hand writting.

Mr George Buchannan, of Kirkcudbright, for declyning the Assembly and continowing in his contumacie, refuseing to compeir before the Commission. The said Mr George compeiring before the Assemblie, which was delayed till the morn. The Committie finds all clearlie deduced. The Assemblie approves the sentence against him, with the foresaid reservation.

The Supplication of the Universitie of Glasgow, for the increase of their provision and number of their Professours, which they craved might be recommended to the ensuing Parliament. Delayed till farther advyement.

The Supplication of the Burgh of Glasgow for the transportation of Mr Robert Baillie from Irwing [Kilwinning] to Glasgow delayed till the morne, that all parties who had interes might prepair their reasons in writt.

The Committee appoynted for trying of the Booke of Assembly which was newlie come to the Clerks hand, gave in their Reports:—That they fand the Booke to be authentick, and the reasons thereof, subscriyved with their hands. The whole Assembly, in ane voice, did approve the said Booke as ane authentick register, and ordained the same to have faith in judgment, and outwith, in all tyme comeing. The Commissioners Grace desired the reasons of the validitie thereof might be insert in the Booke of the Assembly.

A Supplication from Mr Thomas Tullidaff, minister at Foverane, a man of 98 yeares, having bein a minister 57 yeares; that whereas he had demitted his place in favours of Mr John Patersone for the soume of 400 merkes a-yeare, and having no better securitie but the said Mr Johns simple bond, who may be transported or suspendit, &c., and so the old man prejudged, therefore did supplicat for ane Act of the Assembly in his favours, that he might



be secured of the forsaid soume during his life; to the which the Assemblie willinglie condescendit.

A Bill from the Boundes benorth Tay, desireing a Commission may be directed from this Assemblie for rectifying of many abuses there, and for planting of the vacant Kirks, such as Elgine, Innernes, Chanrie: this Bill, at the desire of the Commissioners Grace, delayed till the morrow.

The Supplication of the Toune of Ed<sup>r</sup> for planting of their Churches with a lite of such as they had their eyes upon, viz., Mr David Dickson, Minister at Irwing, present Moderatour; Mr Andro Cant at Newbottle; Mr James Hamilton at Dumfries—becaus of contestations like to arise, delayed till the morne.

The Baronic Kirk of Glasgow, of 11,000 communicants, discerned to be a distinct parochie, upon a Supplication presented be Mr Zacharie Boyd. Mr John Row, Mr John Ker, who were appoynted to take notice of Doctor Eliots case, reported that they thought him to be a humble and modest man, penitent for any thing he hes done, and submissive to the Constitutions of the Kirk. The Assemblie declaires him to be capable of the Ministrie, and to be provydit at the first occasion.

The Committie for viewing of the Declaration appoynted to meit in the Assembly House tomorrow at six houres.

The Assemblie to meit at 11 houres, and to have but ane Session tomorrow.

Sess. 19.—*Hora undecimo.* August 27.

After prayer, the rest of the Reportes being called on, the Moderatour of the Committie fand that Mr Robert Murray was deposed by the Commission of Kirkcudbright for oppressiou, drunkenness, railing, selling the Sacraments, sacriledge, bryberie, &c., instanced in many particulars and clearlie proven.

Mr James Scott was deposed for his absence from his flocke 8 Sabbathos together, sacraledge, intromitting with penalties and contributions, disobedience to the Presbytrie, tableing, converseing with excommunicat Papists, and declyning the Generall Assemblie.

Mr Patrick Adamsone was deposed for his insufficiencie for the Ministrie, proven by the testimonie of his brethren, frequent drunkennes on the Sabbath, and dancing in his drunkennes, and disobedience of the Presbitrie.

Mr Rob<sup>t</sup> McClellane deposed for his insufficiencie, intemperat drinking, and disobedience to the Presbitrie; all which processes the Committie finds formallie deduced and clearlie proven.

The Assemblie approves their sentences without prejudice of justice or mereie, upon the Supplication of some or reduction of the processes of others.

Mr David Fletcher, compeering personallie, declaired that he was penitent and greeved in soule for these two errors, in reading the Service Booke, and declyning of the Assemblie; and, therefore, in all humilitie, desired to be received in favour with the Assemblie, and declaired to be capable and worthie of the Ministrie, and submitted his life and conversation to the censure of the Ministrie of Edin<sup>r</sup>, who declaired that his life and doctrine was both unblameable. The Assemblie found it expedient that he should be restoired to the Ministrie, and to a particular flocke, as he gets ane orderlic calling.

A Supplication of the province of Aberdeine upon the cruell oppression and persecution of the enemies of this Church and Kingdome, daylie lying in wait for their lyves, so that Ministers were forced

to retier themselves, and not to come to their flockes, recommended most humbly and earnestlie to the Parliament.

Mr John Lindsey at Carstaires, compeering personallie, presented a Supplication to the Assemblie, acknowledging his forward following the course of conformitie, craved pardon of the Assemblie, and sought re-entrie to the Miinistrie, in respect it was the humble petition of his parochiners to have him restoired to them againe, and promised obedience to the Constitutions of the Assembly. The brethren of his Presbytrie testified that he was a violent prosecutor of the course of conformitie, and urging his people thereto; that he was contumacious, disobedient to his Presbytrie, railer against his brethren, and hes declyned their judgment and the Assembly both; that he would not come to the Synod where he was cited, alleadging his want of health and strength, but anon, thereafter, found health and strength to goe into the English army.

After much agitation to and fro, the Commissioners Grace pleading for him, and his owne brethren testifying against him, the Assembly ordained these persones following, to conferre and try the soundnes of his repentance and his judgement in doctrinall poyntes: Mr Alex<sup>r</sup> Somervell, Richard Inglis, George Young, Mathow Brisbaue, Andro Ramsay, Robert Douglas, Hary Rollock, Andro Cant.

Mr James Hamilton, who hes beene these 52 yeares actuall Minister, being deposed for declyning of the Assemblie; upon his humble Supplication and Confession, declaired capable of the Ministrie.

Mr John Hamilton of Dalserff, his Supplication delayed till the morne.

Mr W<sup>m</sup> Ogstounes referred to the Commission that was to be appoynted.

The Commissioners Grace presented a paper in name of Mr Robert Hamiltoun of Lesmahagow, wherein there was not the least word of his repentance or submission, but rather a maintaining of his errours, especially Arminianisme, and in substance a declyning of this Assemblie.

The Moderatour desired Mr John Adamsone, Mr James Bonar, Mr John Row, Mr Andro Cant, to give their judgement of this man. They all in ane voice declaired he was worthie of excommunication in this Assemblie; nevertheless, the Assemblie, to show their moderation and willingness to gaine the man from his errours, did appoynt Mr Samuell Rutherford and Mr Robert Baillie to conferre with him and report against the morne.

Upon occasion of the erroneous doctrine defended by these Ministers, there was a motion made by Mr Alex<sup>r</sup> Hendersone, That it was expedient that there were a positive confession drawn up, and these errours related therein and expresslie condemned by the Church, and the doctrine of the Church of Scotland cleared, that none heirafter pretend ignorance of them, and that this grave worke were recommended to such and such men; the which motion the whole Assemblie did applaud.

Sir Robert Edwards Supplication referred back to the Presbitrie.

The Supplication of the Presbitrie of Skye, not being joyued to any provinciall, and of the parochiners of the North Isles, for erection of ane provinciall amongst them, delayed till all the interest be heard.

The Bill for the change of the Presbitrie seat of Mewres, referred back to the Presbitrie.

Sir Alex<sup>r</sup> Carnegie of Bonnymoone having built a Church upon his owne expenses, did supplicat that it might be decerned to be a distinct parochie.

As lykewayes a Supplication of Duncan Camp-



bell of Glenlyon to the same effect, referred to the Parliament.

Mr James Scotts Supplication referred to the Commission.

Walter Macaulay, of Ardincaple, his Supplication for the distinguish of two paroches lying promiscuously through other, referred to the Presbiterie of Dumbarton.

The Supplication of the Chanrie of Ross referred to the Parliament.

Mr James Sandilands, canonist, his Supplication being againe presented to the Assemblie, and many pressing arguments why the ffacultie could not be abolished, used by the said Mr James, which gave great light to the Assemblie, the Assemblie appoynted M<sup>rs</sup> John Adamson, David Lindsey, James Bonar, Doctor Strang, to consider of it till the morrow, and then to give their best overtures in writt.

The Supplication of M<sup>rs</sup> Alexander Schrogie, William Leslie, Lindsey, referred to the Commission.

The Supplication of Alex<sup>r</sup> Gordoun, of Knockgray, in name of the Parochiners of Carfairne, for a contribution for a stipend to the said Kirk built be the said Parochie, according to the Act of the Assemblie at Glasgow, Dec<sup>r</sup> 16.

The Assembly recommends the same *de novo* to the charitie of the bounds then designed for that contribution.

Mr Alex<sup>r</sup> Callender, Minister at Denna, in Stertoun, a pendicle of Falkirk, and supplicat that it might be established as a distiunct Kirk, referred to the Parliament.

The Parochiners of Ardinlach and Edenkillie being under ane ministrie, and far distant, did supplicat for a disuion—*Fiat ut petitur*.

The Assemblie craves warrand of transportation to Mr Alex<sup>r</sup> Pearsonc.

A Complaint of some of the Parochiners of Bathgait, upon their Minister, for leaving of preaching in the ordinarie Kirk thereof, and preaching in a Kirk new built, in a myle distant from it, not commodious for holding the congregatiou, referred to the Synod.

The Committie for the Overtures being desired to report their diligence, gave in these following—(*Hic deest.*)

Earle of Eglintounes Supplication for erection of ane Kirk between Beith and Lochunnoch, referred to the Commissions for the Parliament.

The 4 Committies for the deposed Ministers, appoynted to meet tomorrow, at 7 a clocke, to try their repentance, and to hear their just defences, and report to the Assembly.

Sessio 20.—August 23, Wednesday.

*The Assemblies Motion for authorizing the Covenant, by way of new Swearing and Subscribing thereto by the whole Kingdome.*

After in calling upon the name of God, the Moderatour said—Please your Grace: The tyme now drawes schort; and your Grace, we trust, considers that there are some weightie poyntes of greater consequence and moment nor we have handlit, that are yet to be doue, and this a speciall ane. We are longing to have your Grace with us in the Covenant, and all others in the kingdome; that, as we are under ane religion and kingdome, [we] may all be under ane Covenant and band. And this I know, the whole Assemblie is longing for it.

The Commissioner answered—Truelie, that par-

ticular hath beine so much in agitatione this tyme past that if I should not expect something to be spoken of it in this Assemblie, I should be much to blame. I believe yesternight was the first occasion of discourse that I had upon it; and truelie I think it a matter of great consequence; and as it is a bussines which I cannot say but ye have reason to presse as that which may make a happie conclusion of all this bussines; so, on the other pairt, it being made up of two bodies—the Confession and Band—in either of both there is so much, that, if I desire to be weill advysed in it, I hope I shall offend none.

I will not rype up the mistakes that hath beine; for I believe, whatever differences there hes beine about it, they have beine about mistakes. Yet this much I may say for the Confession of Faith itselfe—The ground of it proceeds from the year 1580, 1531, and renewed sundrie tymes since. It seems that, by the progresse of tyme, there hath beine some thing which hath interveined, that gave the Kirk of Scotland occasion to thinke it necessar to explain it in some thinges, and to find that some thinges were excluded by it that is not particularlie expresst in it. And now it hath pleased God to move our Kings Majestie to indict this Assemblie, and hath given me warrand, whatever exposition this Assemblie shall find that Confession to beare, and likewise whatever is found by this Assemblie to be excluded by that Confession, I, in my Masters name, shall consent unto it; and now, if there be any mistake, it is upon that pairt of the Covenant which makes up the Band.

Now, for the Confession itselfe I have no scruple, neither as it was literallie sett downe, nor as it is now explained. For the Band, it may be, if in forme and matter some thinges were rightlie understood, soveraigntie will receive satisfaction.

The Moderatour answered—We have still bein and are able to give satisfaction in all thinges that might impair the due estimation of good and loyall subjects. As for the Band, we thinke it so well conceived, that, were it to doe over againe, we could not light upon such happie expressions. Nevertheless, we are content that your Grace call for whom ye please to receive farther satisfaction.

The Commissionier said—Whatever debates there hes beine betweene me and this Assemblie since our meeting, I hope [these] shall take a friendlie conclusion. I believe there hes bein none except in that particular anent the deposed ministers; and, for that, I hope to receive a charitable answer, since it is my Masters speciall command so to doe; and duetie obliesses me, since my Master conceaves most of them suffers for his cause; and so, what debates hes bein, the conclusion is good. You have taken your way, which is agreeable to the constitutions of this Kirke; and I believe with that respect to my Master what favour shall be granted to them upon their Supplications.

But for the particular—there is so much done in it by this Assemblie, that, for myselfe, I have no doubts of the Confession of Faith itselfe, or of the explanation that is made upon it; that if there be any scruple, or shadow of scruple, it is concerning the said Band.

The Moderatour answered—We are very readie to remove these shadowes, and to give your Grace satisfaction.

Upon a Supplication of the new Colledge of St Andrewes, that, according to the Act of Assemblie at Edinburgh, October 9, 1582, Sess. 10, Commissioners would be appoynted for visitation thereof, to concurre with the Commissioner from the Parliament, for examining the foundation thereof—esta-



blishing necessar Professours of Divinitie, provyding competent meanes. The Assemblie find this desyre most reasonable; and, therefore, did grant Commission to Earles of Rothes, Montrois, Cassiles, Lowthiane, Lindsey, Burlie, Balcarras; *Ministers*—*M<sup>rs</sup>* Alexander Hendersone, Andro Caut, Robert Blair, William Scott, David Dalglesche, James Bruce, Andro Fleck, Frederick Carmichaell, for that effect.

It is observed, that there was a clause in this Supplication, that the foresaid Colledge might have libertie to call for any man to be Professour therein. It was excepted against by the Colledges of Glasgow and Edinburgh; and much contestation being like to arise, the motiou was put to voicing, Whither their Supplications be grantit simple or conditionallie? And, by the greatest parte of the voices, it was granted but conditionallie.

The Supplication of the Colledge of Glasgow to that same effect. The Assemblie fand it necessar to be grantit next, and after *S<sup>t</sup>* Andrewes, and without prejudice to them; and, therefore, did nominat, Earles Argyle, &c.; *Ministers*—*Mr* James Bonar, &c.; *Burgesses*—Provost of Stirling, &c., to meet the first Tuesday of October.

The Supplications of the Towne of Edinburgh, containing a leete of ministers for planting of their Kirkes at the desire of the Assemblie, they were content to passe from them all, except *Mr* James Hamilton. After reading of the said *Mr* James his reasons, the matter being put to voicing, the said *Mr* James, by the greater parte of the voices, decerned to stay in Dumfries.

These that were appoynted to conferre with *Mr* Jo<sup>n</sup> Lindsey, were desired to give in their reports. They answered that he gave full satisfaction to their contentment, and did heavilie regreat his former wayes—was willing to submitt himselfe to the constitutions of the Kirk; and, therefore, they thought it fitt that the Assemblie should declair him capable of the ministrie; and upon his satisfaction at his Presbitrie and Paroche, and declaration of his repentance, then he might be reponed to a flocke.

*Mr* John Lindsey, compeiring, said—I professe in the presence of the Commissioners Grace and this Assemblie, that I am heartilie grieved that ever I should have offended Nobleman, Minister, or any other; and that I myselfe should have bein the caus of it. And I confesse I was too violent in that course of conformitie, and uow have gotten satisfaction of my scruples. I doe submitt myselfe to the determination of this Assemblie—yea, and to all these to whom I have failed. The Assemblie declaired him capable of the Ministrie, and approves the Report of the Committie.

Anent *Mr* James Hamilton, Minister at Cambusnethan, the Committie reported that he was a young man of good behaviour, and welbeloved of his paroche, and guiltie of nothing directlie but the subscriyving of the Declinatour; and, therefore, it was their judgement he might be dealt with as *Mr* John Lindsey.

The said *Mr* James compearand, confessed that he had wranged and offended his Mother Kirk, and humblie desired to be receaved in her favour.

The Assemblie did heartilie receave him, and declaired him capable of the Ministerie.

The same report was made for *Mr* W<sup>m</sup> Forbes, who humblie confessing his faults before the Assemblie, got the same favour.

The Committie reported that *Mr* John Hamilton was also truelie penitent, but it was [thought] he should give his tryell of new. The Assemblie refers him back to the Presbitrie.

*Mr* Robert Hamilton, of Lismahagow, compeired and said he was willing to subscribe the Cannons of the Synod of Dort, and to revoke all his Arminiau tenets that he had mentioned; and, in speciall, he was sorrie for his rasho expressions in his paper given in yesterday to the Commissioners Grace, and was willing to submitt himselfe to the Assemblie.

The Moderatour said—This matter is not of so small consequence, that we should either cutt yow off from hopes of being receaved upon your repentance, nor that we slight the auctoritie of this Assemblie, so farr scuffed by yow yesternight, that we should suddenlie receave yow to the Ministrie who hes bein so lang obstinat and caried your selfe in such a proud maner.

Auldbar said—It is not four houres since he was converted.

The Assemblie referis him to the Synod of Glasgow.

The Commissioner said—I still urge that it is your best for these churches that are vacant, whereof our Master is Patron, to represent the case to him, and what yow doe in this, let it be by way of Supplication; and if I shall not both convey the same, and be a good instrument to obtaine your desire, I pray God I never thryve.

Upon occasion of this, my Lord Argyle said—When we consider the great divisions and distractions of this Kirk, we rejoyce to see this dayes worke, and your Grace sitting here to put order to all thiuges in his Majesties name; and since we have enjoyed this by his Majesties graceous favour, I represent to your Grace and this Assembly, if it shall not be very incumbent to us to thinke upon some humble way how to testifie our heartie acknowledgement of this favour from his Majestie, and to rander his Majestie humble thanks therefore: to the which the Commissioners Grace and the whole Assemblie did applaud, and desired it might come in with the Overtures.

My Lord Lowdown said—If it like your Grace, I shall be bold to desire ane thing may be added to the Overtures—and I know certainlie I have the applause of the whole Assemblie. Amongst uthers, imputations that have beene layd upon this Church and the government of it as it is now established, that Ministers will rashlie and disrespectivelie have preached of auctoritie, and, therefore, especiallie since the Kings Majestie thought by his haveing of the Bischops he had a readie way to censure and punische Ministers that should deboord in this kynd, least we should seeme to derogat any thing from the due respect acknowledged justlie to his Majesties Sovereignitie, it seemes expedient that the Assemblie should now testifie their respect to his Majestie by making of ane Act, that no Minister preache rashlie of anything concerning auctoritie, and an Act for censuring all such as shall transgresse.

The Commissioner answered—I believe there is none that heares your Lordships proposition, but they take it to come from a noble heart; and if I should thinke otherwayes, I were not worthie to sitt here. How farr the Constitutions of the Kirk will warrand yow to goe on in censuring such thinges I know not. But I believe you intend not to exclude the civile magistrat from punishing of such thinges.

The Moderatour answered—We are so farr from that, that we are content to be the first tryers of these thinges, that we may make schort worke for the civile magistrat.

The Commissioner said—I will not exclude Presbitries, Synods, &c., from censuring ecclesias-



tick persones : but I shall not be of the opinion of some that thinke that frae ance the goune and coull be putt on, they have no more adoe with the civile magistrat.

The Moderatour said—Farr be it from us to thinke so : that opinion is papisticall ; but for ws, we make it a poynt of religion to be subject to our Prince.

Bonymoons Bill for erecting of a new Kirk distinct from the Kirk of Brechin, being read and the reasons of both being read, the Assembly grants the said Bonymoone his desire, without prejudice of any parties civile right, which they reserve to any judge competent.

Bruntlands Supplication delayed.

The Earle of Athols Supplication for dismembering of Glenlyon from the Church of Forthingall, remitt to the Commission from [for] the Parliament.

The Committie for the Billes ordained to referre or delay the rest of the Billes of lesse importance, and not trouble the Assemblie, for shortnes of tyme.

These that were appoynted yesterday to meit w<sup>t</sup> the Commissioners Grace, desired to attend his Grace after the dissolving of the Assemblie, with Auldbarr, John Smith, and Mr Robert Barclay to attend with them.

The Committie for the Declaration appoynted, to give in their diligence the morne. The Assemblie to meit to morrow at 9 a clocke.

Sess. 21.—August 29, Thursday, *hora nona*.

After in calling upon the name of God, the Moderatour said—The Assemblie doth loug greatlie to heare your Graces mynd concerning the mayne point that yet remaines, that we all, who are ane people in ane Kingdome, may be of ane heart in ane Covenant.

The Commissioner answered—We met yesterday about that purpose ; and I hope we have made that happie progresse. We have considered of the Covenant, which is a great worke, wherein our Master conceaves our religion and his honour may concerne it ; and if it be well thought upon, both the matter and forme is no lesse then may be expected from good subjects and good Christians. Having taken this to our consideration, being satisfied both for the matter and forme of it, and after many overtures how we might accommodat matters to the contentment of all, to wit, that we should follow a precedent of former tymes, that, as the Assemblie hath gone on in former tymes, sae we may now ; and I trust this shall reconcile all.

The Commissioners Grace sought libertie to depart, to the end he might conferre with the Councell against the afternoone, of the best way how to accommodat the matter.

It was complained by some, that by the reason of the great tumult they could not heare the purpose.

The Moderatour, after he had exhorted them to order, quyetues, and gravitie, said—The matter is anent the Covenant—that there may be a common course for the subscription of the same by all the subjects within this Kingdome, and that by ecclesiasticall and civill auctoritie. The way of the doing of this it's thought fittest that it be the same that was used in the year 1590, wherein the Generall Assemblie sett downe the Confession of Faith with the Band, and gave in a Supplication to the Councell that they might joyne their civill sanction thereunto, and ordained the same to be subscriyved by all the leidges ; lykeas they by their ecclesiastick auctoritie, commanded the same to be subscriyved under all ecclesiastick censure. The same course

is now to be taken. This Assemblie is to supplicat his Majesties Commissioner and Councell, desiring them by Act of Councell to ratifie our Covenant, and enjoyne it upon all the subjects ; and thereafter the Assembly themselves is injoynd under the ecclesiastick ceasures, and to supplicat the Parliament, that both their oune Act and the Act of Councell may be ratified there ; and so there is no alteration to be of the Covenant, but the whole Covenant, *totum compositum*, to be subscriyved ; only this, the Commissioners Grace will adde a Declaration before his subscription, that the Kings Majestic having receaved satisfaction of his subjects that they intended nothing but the preservation of religion and maintainance of his auctoritie, therefore he subscriyves ; and the Councell also, according to the declaration of the Assemblie, and his Grace is now gone to consider of this. The Moderatour desired some of the brethren to give their judgement of this course.

Mr Hary Rollock answered—I thinke all men that heares of it rejoyces at it, and I thinke it is as much as we could hope for : yea, we scarce expected such good newes as to heare that our Covenant should be confirmed by all sanction, civill and ecclesiasticall ; and I thinke nane that hes heard it but they are sending up their heart secreatlie to praise the Lord for it.

Mr Andro Ramsay, Mr Andro Cant, and divers of the Brethren, spacke to the same effect.

Those that were appoynted for the Manifesto Booke [Large Declaration] were desired to goe presentlie forth of the Assemblie, and prepare their diligence against the afternoone.

Anent the Report of the Committie appointed to consider of the Decreit given out by the Commissioners of the last Assemblie, for Visitation of the Colledge of Aberdeene, concerning Mr James Sandilands : They fand that the intention of the Commissioners was only to discharge him to teache anything in the profession of the Canoun law which was not agricable to our religion and profession, and therefore thought it meit that he should enjoy the said office, with the emoluments for his maintainance, but upon the foresaid condition.

The Supplications of Mr David Foulcs, Mr Hary Pearsons, Mr Robert McLellane, being read : Becaus it was testified by these that were at the Synods where they were depoised, that there were many grosse thinges proven against them which they had not confessed in their Supplications ; therefore remitts unto the Synod, conforme to the Act made yesterday.

Mr David Lindsey gave in above the number of 40 particular Billes, which the Committie had cognosced upon ; referred, delayed, or granted as the Assemblie had given them direction yesterday, which are not neidfull heir to insert.

The Acts of the Assemblie ratified, against Salmond Fishing on the Sabbath, upon a Supplication of Johnne Forbes of Leslie.

The Assemblie to meet at 2 a clocke in the afternoone.

Sess. 22.—*Hora quarta*.

After in calling upon the name of God, the Moderatour desired the Commissioners Grace to show to the Assemblie the cause of their so long stay, or command some other to doe it.

The Commissioner answered—The reason of our so long stay and treatie all this tyme, is to draw this matter to a good conclusion ; and now, blest be God, it is neare a poynt ; for, as concerning the Covenant, we are agried both in the matter and



forme, and there rests nothing but the drawing up of it in ane Act; and this is a matter of great weight, and I hope this Assembly shall thinke it a good conclusion to see this the last Act of the Assembly, tho' it take some tyme for the doing of it.

The Moderatour having repeated the Commissioner his speech to the Assemblie, did signifie to them, becaus this greate worke could not be endit this night, the Commissioners Grace had condiscendit to delay the ryding of the Parliament till Saterdag, and the Assemblie to conveyne againe tomorrow, and then to conclude.

A number of particular Billes were given in to the Assemblie, not needfull to be insert, such as the Supplications of Mr George Diserff [Siderff?] Mr Thomas Carnichael, Mr W<sup>m</sup> Rollock, Mr Henry Pearsons, Mr Francis Harvie, Doctor Andro Lawmond, are [referred] to the Synods. Some uther particular Billes, anent the uniting or disuniting of Kirkes, or of Kirkes from Presbitries and Provincials, referred to the Parliament.

A Bill, presented in name of the Laird of Kilcherron, being excommunicat by Mr James Bonar, for his contempt and railing against the Covenant, for his disobedience, supplicating for liberation from that sentence—referred to the Synod.

*The Overtures read over againe.*

Becaus the Members of the Assemblie desired to heare the Supplication that was to be given in to the Commissioner and Counsell, therefore it was thought good that the whole Assemblie should conveyne at 8 a clocke, to heare the Supplication read, and the Commissioners Grace to come at 9, because he behooved to be in the Counsell.

Sess. 23.—August 30.

After prayer, there was some Billes given in, which were delivered to the Committie since they gave in their reportes.

A Bill from the Presbitrie of Lanerk anent the division of Kirkes, recommended to the Parliament.

Mr W<sup>m</sup> Livingstoun his Bill for a fellow-helper in the Ministrie at Lanerk, recommended to the Parliament.

Mr Robert McClellane, at Zietaum, his Bill recommended to the Presbitrie of Kirkcudbright.

The Bill of Teviotdail and Merse, against the profanation of the Lords Sabbath, grauted.

The Bill of the Presbitrie of Haddingtoun, desiring the ratification of former Acts ag<sup>t</sup> the Salt Pannes upon the Sabbath day, granted.

The Assembly appoynted a Commission for drawing up of ane uniforme Catechisme, and the order of familie exercise, and to reporte their diligence to the next Assemblie, to be there considered—viz., Mr<sup>s</sup> Andro Ramsay, Alex<sup>r</sup> Hendersone, Robert Blair, Edward Wright, John Livingston, James Hamilton.

The Assemblie, considering that should it please God to conclude all matters in this Assemblie and Parliament, it were necessar there should be a solemue thanksgiving through all the land; that the whole bodie might rejoyce together, and the Kings Majestie might heare that this Kirk rejoyces under the sence of received favours; and, that they could not now appoynt the day, did give Commission to the Presbitrie of Edinburgh to advertise the whole Presbitries.

The Moderatour desired that the motion concerning the new Colledge of S<sup>t</sup> Andrewes be intertaind, and some expediences found out for promoting of that warke.

Mr Alex<sup>r</sup> Hendersone, Mr Robert Meldrum, Mr Robert Douglas, at the Moderatours desire, by many pressing arguments, did shew the necessitie of provyding the Colledge well with Professours and competent means, without prejudice of any uther Colledge within the kingdome, because it was thought necessar that the Kings Majestie should receive thanks from this Assemblie, and that in a publick way.

The Committie for the Overtures did represent to the Assemblie that they should have a Commission to the Presbitrie of Edinburgh, and some uther adjacent Presbitries, with power to draw up a humble Supplication to his Majestie, acknowledging all his byegone favours bestowed upon this Kirk; to present the grievances of the Kirk, and everie member thereof; and to receive ane answer from his Majestie; and, likewise, in case of any exigencie, to acquaint his Majestie with the necessitie of holding an occasional Assemblie. Becaus this motion was opposed by the Commissioners Grace when he came in, and another course taken to the satisfaction of the Assemblie, hereafter to be insert, [the motion was abandoned.]

The names of these that were appoynted to preach on the Sabbath. [Not given.]

A number of the Commissioners of the Assemblie, Noblemen, Ministers, Barrons, were appoynted to attend the Parliament, and there to represent the grievances of the Kirk, and to meit everie day at 6 in the morning for that effect.

Mr Alex<sup>r</sup> Hendersone was sent to the Councell house for the Supplication, that it might be read and considered by the Assembly before the Commissioner [came] in, the tener whereof followeth:—

*The Assemblies Supplication for Subscribing of the Covenant.* [Vide p. 207 of these Records.]

The Committie appoynted for viewing of the Large Declaration having drawn up their diligence in 12 scheits of paper, for fear of marring the Assemblie, extracted furth, in two scheits, their maine and most materiall observations upon the said Booke, which they did represent unto the Assemblie, the tennour whereof followes:—

This Declaration of Doctor Balcanquell is, First, Dishonourable to God; 2<sup>lie</sup>, To the Kings Majestie; 3<sup>lie</sup>, To this Nationall Kirk; 4<sup>lie</sup>, It is stuffed full of Lies and Calumnies, which we make evident to the world by these reasons:—

*First*,—It is dishonourable to God:—

That albeit the Subscription of our Confession of Faith and Covenant was ane Act evidentlie tending to the glorie of God, besides the testimonies of our consciences thereaunt, is now, praised be the Lord, againe acknowledged be this present Assemblie; notwithstanding, to the great dishonour of God and his true religion, as it is now professed in this kingdome, it is most impudentlie averred in this Large Declaration, that the subscription of our Covenant doth most evidentlie tend to the dishonour of God.—  
Pag. 20.

That the same Covenant is dung which was throwne upon the face of auctoritie—a lewd Covenant, with a seditious Band annexed thereto, so that everie religious and wise man may run and read that sentence of condemnation which it carrieth in its owne front.—Pag. 54.

That it is a wicked Covenant, or pretended Holy League, like to that of France.—Pag. 2.

That it is a spurious Covenant.—Pag. 125.

A rebellious Covenant.—Pag. 156.



That it is not far from blasphemie to say, that God, by the fire of his Spirit from Heaven, hath accepted thereof.—Pag. 178.

That it is a dangerous and fearfull approach to blasphemie to say that it was sealed from Heaven.—Pag. 179.

And that all Christians in the world who have heard of it doe acknowledge that no such Covenant came from Heaven but from Hell, from whence cometh all portion of schisme.—Pag. 161.

*Secondlie*,—Dishonourable to this Kirk :—

For although it hath beene the glorie of our Kirk among foraign nations, that with the veritie of doctrine received, the puritie of discipline according to the word of God, whereby all errour in doctrine, superstitione in worship, and tyrannie in government, and especiallie all Poperie, hath beine opposed and removed; and that, of late, we have laboured to recover that puritie by removing these offices and corruptions that have no warrant by the Word of God, and re-establishing these office-bearers that are warranted by the same; notwithstanding, to the great dishonour of this Kirk, [it] is affirmed in this Declaration that there is a great deformitie in our service—no forme of publick prayer, but preachers, readers, and ignorant schoolmasters, praying in the church, sometymes so ignorantlie as it was a shame to all religion to have the Majestie of God so barbarouslie spoken to; sometymes so seditiouslie, that their prayers were plaine lybellis goeing against soveraigntie and auctoritie, or hes bein stuffed with all the false reportes of the kingdome.—Pag. 16.

That we have taken such a course to underminde and blow up the Reformed Religion, that if the conclave of Rome, the severall colledges perpetuallie sitting at Rome for contriving and effecting the meanes of reducing all kingdomes to the Romane obedience; nay, if with both these, all the Jesuites and their most especiallie combyned and sworne enemies to our profession, all assembled in one place, and had all their witts and devices concentrated in one conclusion and resolution, they could hardlie have fallen upon for turning all men out of the pathes of religion reformed, or have settled upon such courses which can bespeake no uther event but the undoubted overthrow of it, at least in that kingdome, unles God from heaven (which we hope) have all their cobbles webs, contextures, in derision; that our maximes are the same with the Jesuites; that our preachours sermons have beine delivered in the very phrase of Becanus, Scippeius, and Swarcz; that the meanes which we have used to induce credite with our proselytes, are meirliche Jesuitical fables, false reportes, false prophets, pretended inspirations and divinations of the weaker sex, as if now Herod and Pylat were once againe reconceiled for the ruine of Christ and his true religion.—P. 3 and 4.

That our conclusions are quite contrarie to the Confessions of all Reformed Churches in particular, and of our Scottish Positive Confession, and that all the weapons wherewith we now fight against these Protestant Conclusions, are stolen or borrowed out of the most rigide Jesuit Magazens; to witt, that we are to be accompted not as friends to the Kings Majestie, but as foes; not as Protestants, but as the most rigide of Papists, Jesuits; and so being without in this poynt, not bring scandall upon the reformed religion, and those who are not with the same, especiallie considering we have gone about to wound the reformed religion through the Kings Majesties sydes.—Pag. 4.

That Ruleing Elders were brought in, onlie out

of a feare that rigide ministers designed for the Assemblie, might want a sufficient number of their fellow ministers for their elections in their severall Presbitries.—Page 139.

That Mr David Mitchell was processed and deposited, for doctrines uncontraverted and generallie received by all Protestant Churches in the world.—Pag. 206.

That the processe against the Bishops was pursued with such malice, injustice, falshood, and scandall, not only to the reformed religion in particular, but to the Christian religion in generall, as it cannot be paralleled by any precedent of injustice in precedent ages; and which, if it were known among Turkes, Pagans, or Infidells, would make them abhorre the Christian Religion, if they did thinke it would either countenance or could consist with such abominable impietie and injustice.—Pag. 207.

That some used a notable trick of forgerie and Romish imposture, for advancing the worke of reformation, by working upon the weaknes of a young maid, and making choysce of her as a fitt instrument to abuse the people.—Pag. 226, 227.

That such was our blind obstinacie, that we scorned that any one should sitt in the Assemblie who ran not in our rebellious courses, as holding it a dis-reputation to abate any thing of our power or will, and we would be sure to clippe the winges of auctoritie.—Pag. 245.

That we should have everie mechanick artizan, being chosen a lay elder, to have equall power and state with his Majestie.—Pag. 246.

That the Kings Commissioner got certain intelligence of the Covenanters unmovable resolution, that altho' the Assemblie should be continowed, and all things which they desire should be granted and effected, that the quietnes and peace of this Kingdome should be never a whitt the more settled or established, but that they were determined to choose certain committies, who, under the name of Commissioners from the Generall Assembly, should keepe up their Tables, and be chosen and continowed from one Assemblie to another, and so hold on the same rebellious courses which they ever held, since the first erection of their Tables—to the overthrow of the Kings royall auctoritie, and the auctoritie of the Lords of Counsell and Session.—Pag. 269.

That under the name of Arminian tenets, many thinges in all the Reformed Churches were condemned in the Assemblie.—Pag. 317.

That the conclusions in the Assemblie tended to the sedition and rebellion, and the overthrow of the lawes both of Church and Kingdome; and that many of them were false and foolish positions.—Pag. 324.

That the Covenanters are the worst and most disloyall pack of the Kingdome.—P. 380.

*Thirdlie*,—Dishonourable to the Kingdome :—

For, although it hath beene the glorie of this Kingdome that it hath continowed in duetifull subjection and obedience for many ages under 107 Kings, and we have ever acknowledged our quietnes, stabilitie, and happines to depend upon the safetie of our graceous King, as upon Gods Vicegerent sett over us for maintenance of Religion and ministration of Justice—not having any intention to desire to attempt any thing that might turne to the diminution of the Kings honour and auctoritie;—notwithstanding, to the great dishonour of this Kingdome, it is affirmed in this Declaration, that, although the Marqueis of Hamiltoun, during his continowance among us, found that we gave him



civill respects as Marqueis of Hamiltoun, yet his being clothed with the Kings auctoritie and Commission did much diminische them.—Pag. 86.

That the State of Scotland hath beene much of late discomposd and disconnected by the seditious practises of divers, impatient of all lawes and government.—Pag. 1.

That, by persisting [in] our tumultuous and rebellious courses, we doe demonstrat to the world our wearinesse of being governed by his Majestie and his Lawes, and our itching humour of having this Kingdome governed by a Table of our owne devysing—a monstrous birth, as the lyke hath not beene bredd in any kingdome, Christian, Jewish, or Pagan.—Pag. 2.

That we are like these of the bloudie League in France, who hoped that the verie name of Holy League would cause in the world a mistake of their meaning, and palliat their most wicked and unnaturall treasons for rooting out that lawfull Sovereignitie and the true Religion.—Pag. 44.

That we begunne the most unnaturall Councells and horrible rebellion that this or perhapes any other age in the world hath ever beine acquainted with—that we begin to invest ourselves with the supreme ensignes and markes of Majestie and Sovereignitie, by erecting publick tables of advice and counsell for ordering the effaires of the Kingdome without the Kings auctoritie, and by entering into a Coveuant and most wicked band and combination against all opposers, not excepting the Kings owne persone, directlie against the Law of God, the Law of Nations, and the Municipall Lawes of this Kingdome.—Pag. 53, 54.

That these our meetings at our tables have beene accompted by wise men, rather stables of unrulie horses brockeu louse, and pulling doune all they can reach, and throwing dung into the face of auctoritie.—Pag. 54.

That we suggested some alteration in religion to be made by the innovations, onlie to that end that the Kings Subjects might be kepted from returning to their obedience.—Pag. 152.

That the divilische obstinacie and malice of our factious spirits found meanes to blindfold the peoples eyes, and so keepe them from discovering and acknowledging the Kings Grace and goodnes towards them.—Pag. 155, 156.

That it was our master peice to stoppe anything, though never so well lyked be ourselves, if it wer commanded by the Kings auctoritie, as fearing that if he had obedience in any one thing, the people might recover the tast of government.—Pag. 193.

That the heads of the Covenanters were affrayed that any shew of obedience should be yielded to the King by his people in the least poynt.—Pag. 204.

That not so much as the least inclination to peace could be discovered in us.—Pag. 34.

That, above all things, they of the Covenanters table, were affrayed that the people should receave any satisfaction from his Majestie, or rest contented with the grace of his most reasonable proffers of favour.—Pag. 90.

That the Leaders of the Covenanters studied nothing more then to suppress the Kings graceous intentions and favours towards them.—Pag. 91.

*Fourthlie*,—This Declaration is stuffed with a hudge number of Lies, in averring Untruthes besides the already mentioned—for instance, as follows :—

That the Covenanters pretend religion, and intend nothing lesse then that : their courses are tumultuous and rebellious.—Pag. 2, *et passim*.

That our Covenant, by Papists, was received with infinit joy, as hoping that the King and his successours might be brought to ditest that religion whose profest zelots had beene the author of such an insufferable Covenant, which could not subsist with Monarchie.—Pag. 74.

That, upon the removing of the Covenant, there was a suddaine and frequent arryvall of Priests and Jesuits from Doway, and other seminaries beyond the seas, in hope of their welcome to his Majestie.—*Ibidem*.

That our Covenant was received by the Protestants abroad with most offensive scandall, and infinit grieffe—namelic, at Charingtoun, Geneva, and other reformed churches in France—who were so scandalized with this prodigious Covenant, as that they were affrayed of nothing more then this, that it will bring ane indelable scandall upon the Reformed Churches, and alienat the myndes of all Christian Princes from ever entertaining a good thought of our religion.—P. 74.

That the Covenant was obtruded to all sortes of people with furie and madnes, with threatenings, tearing of clothes, drawing of blood, & cet.—Pag. 95.

That the seids of this seditiou were sawen by the plotters of the Covenant, *first*, at the Kings Majesties revocation.—Pag. 6.

*Secundlie*, at the Commission of Surrenders.—Pag. 7.

*Thirdlie*, Upon the refusall of honours at the late Parliament.—Pag. 11.

That the finall alterations of the Service Booke urged upon us, in which it differeth from the English Service Booke, are such as might best comply with the myndes and dispositious of the subjects of this kingdome.—Pag. 18.

And that the same Service Booke was no different from the English in any materiall poynt.—Pag. 19.

That the heads of the Covenant had no sooner notice of the peaceable course intended by us, but they flew out in farr greater violence.—Pag. 79 and 113.

That the Proclamation, Juli 4, would have beene received by the people with humble and thankfull acknowledgmeut, if they had not beene not onelic diverted, but perverted by these men, who interpreted everie satisfaction of the subjects to be a divideing from themselves.—Pag. 92, 93.

That, in our Privat Meetings and Publict Sermons, we have endeavoured to settle in the subjects myndes, opinions, feares, and jealousies quyte contrare to our printed asseverations.—Pag. 107.

That the principall Covenanters, Noblemen, Gentlemen, and Ministers, protested to the Kings Commissioner, that their meaning was never to abolische Episcopall governments, but to have it limited, and censurable by the Generall Assemblie ; and that they had farr rather live under it than under the tyrannie of Presbitries, which they have heard the Fathers complaine of, and bidd them bewarr of.—Pag. 114, 115.

That the heads of the Covenant had layd upon the King that aspersion that he intended to bring in Poperie, or, at least, to tollerat the same ; because they believed it was the most powerfull meanes of alienating the myndes of the people from him, which they onlie intendit.—Pag. 125, 126.

That the Marqueis of Hamilton presented to his Majestie not only the improbabilitie that ever the ring leaders of that rebellion would desist untill they had obtained their wicked ends, and that the only hope of peace was placed in dividing the peo-



ple from them, by preferring unto the people such graccous favours as in all likelihoode they neither could nor would reject.—Pag. 126.

That laymen did not sitt in Presbitries 40 yeares before.—Pag. 132 and 191.

That it is unquestionable true that Episcopacie may and doth consist with the Confession of Faith. Pag. 158 and 177.

That Archbishops and Bishops, September 1638, had and have still a settled office in the Kirk be Parliament, nay, and be Assemblie too.—Pag. 180.

That the Covenanters choose none to the Assemblie but such as they were surc would receave no satisfaction, and keepe all uthers from accepting any.—Pag. 188.

That the Covenanters laboured hard to persuade that none of these thinges promised in the proclamation—no, not the Assemblie itselfe—were ever intended to be performed by the King, but that he studied to deley tyme whill he were readie for their ruine.—Pag. 195.

That they resolved to increase thir disorders to such a height, and to multiplie affronts upon the King and his auctoritie, as they imagined should be past all sufferance, that they might compasse their desyres of his Majesties Commissioner, either prorogation or discharging the Assemblie.—Pag. 195 and 223.

That the witnesses in Mr David Mitchells process being all laymen, wer men of such mean and ordinarie understanding, as that it was improbable, if not impossible, that they should understand the doctrines that he was charged with.—Pag. 206.

That the meeting at Ed<sup>r</sup> was to agrie upon the conclusions to be made in the Assemblie.—Pag. 133 and 231.

That the two Covenanting Ministers of Edinburgh declairing to uther Covenanting Ministers that be-moned themselves, wondering that they would give way to the utter defacing of the Church by these laick intrusions, that they grieved for it as much as themselves, but that they must winke at it, else the nobilitie, gentrie, and burrowes did threaten them with a desertion. That the Bookes of Discipline were penned by some privat men, but were never confirmed by Act of Parliament or Generall Assemblie.—Pag. 313.

That there is nothing in the Confession of this Kirk against the tenets of Arminius.

That we confessed the 4 Bookes of the Assemblie not to be originalls, but copies.—Pag. 271.

*Fyftlie*.—Our intentions, wordes, and actiones, are miserable wreasted in this Declaration.

That our refusing to except the King out of the number of persons against whom the Band of mutuall Maintainers was intendit demonstration that, in our intentions, he was the persone chiefly aymed at.—Pag. 106.

Whereas he could not be excepted, because our Mutuall Maintenance against all persones quhatsoever was in defence of Religion, the Kings persone, and auctoritie.

That our meaning in explication of the Covenant was, that we would continow the Kings obedient subjects if he would pairt from his soveraigntie, and that we would obey him if he would suffer us to command.—Pag. 115.

Whereas our true meaning therein was to cleare ourselves of the imputation of disloyaltie to our graccous Sovereigne; and whereas the Bill against the President and Clerk-Register was given in to crave justice upon them as offenders, yet it is affirmed that it was because we knew the Marqueis neither

could nor would yield unto it, and that by his denyall we might have meanes to irritat, even to disgust the Kings graccous favours.—Pag. 93.

*The Assemblies Judgment concerning the Manifesto.*

After the reading whercof, the Moderatour desired some of the brethren to give their judgment of the said Booke.

Mr Andro Cant said—It is [so] full of grosse absurdities that I thinke hanging of the author should prevent all other censures.

The Moderatour answered—That punishment is not in the hands of Kirkmen.

The Shireff of Teviotdaill, being asked his judgment, said—Ye were offendit with a churchmaus hard sentence alreadie; but, truelie, I could execute that sentence with all my heart, becaus it is more proper to me, and I am better acquainted with hanging.

My Lord Kirkcudbright said—It is a great pittie that many honest men in Christendome, for writing little bookes called pamphlets, should want eares; and false knaves, for writing such volumes, should brooke heads.

The Assemblie, after serious consideration of the great dishonour to God, this church and kingdome, by the said Booke, did condescend upon a supplication to the Commissioners Grace, that the same might be represented to the Kings Majestie, that his Majestie might be pleased to call in all the said Bookes, and thereby shew his dislyke thereof; and next to give Commission to cite all such persones who are either knowne or suspected to be the authors thereof, or informers anent it; and in speciall, Doctor Balcanquell, who is knowne and professed to be the author, at least the owner of a great parte thereof; that, by their examplarie punishment, others may be deterred from such dangerous and seditious courses; the tennour of which Supplication followeth:—[Vide p. 206 of these Records.]

The Assemblie thought it expedient that some overtures might be advised upon for keeping order in the Assemblie in tyme comeing.

The Assemblie found it expedient, for the preventing of all Innovations which might impede this recovered reformation, that no dangerous motion, tending to the hurt of the Church, be proponed or concluded suddenlie in any Assemblie, Presbiteriall or Provinciaall; but when any question shall arise in any inferiour judicatorie, it may be communicat to all others, agitat and dispted in Sessions, Presbitries and Synods, and so might be rypened for the Generall Assemblie: lykewayes, that nothing should come before the Generall Assemblie, but that which came by reference or by appellation, and which could not be discussed by another Inferiour Judicatorie: As also that no reference should be made but orderlie—viz., from Session to Presbitrie, from thence to Synods, and then to the Generall Assemblie.

The Commissioner being come in to the Assemblie, the Moderatour desired his Grace to show the Assemblie the Declaration wherewith his Grace was to subscribe the Covenant.

The Commissioner answered—For my Declaration [it] is verie short. It is nothing els but what I have declaired many a tyme since we mett here; for, as I told yow, when that Act, abolishing Episcopacie and the rest of these evilles, past heir, the 17 of this instant, I was to consent unto that Act in my Masters name, not as a thing that my Masters judgement and opinion willed him unto, but that his tender affection to our satisfaction moved



him to assent unto it. Even so now, I am to make a short Declaration, least if my Master should subscribe simple, he should condemne thinges that are allowed in the Kirk he lives in, and which his judgment assents unto. A king may be a king of divers kingdomes that are of divers religions: and we hope we will not say but he may doe that that may satisfie one of his dominions which will not satisfie another. And for my Declaration quherewith I subscribe the Covenant as the Kings Commissioner, and in his name, it shall not be obligatorie to any Scottis man to subscribe with declaration; neither shall any Scottis subject whatsoever shelter himselfe under it; but if he subscribe not with the Assemblies Declaration, shall be lyable to the censures of the Kirk, and so shall I myselve be; for as Lord of Traquair I shall subscribe *totum compositum*, with all the rest of the subjects, even as Mr Archibald Johnstone subscribes, which I believe is strict enough. And so the Commissioners Grace arose and sought libertie to goe to the Counsell, and the Assemblie to sitt still till he returned.

Thereafter the Supplication was sent in to the Commissioners Grace and Counsell, by the Earle of Argyle, Rothes, Lowdown, Mr Alex<sup>r</sup> Hendersone, Keir, Provost of Irwing. In the interim the Moderatour exhorted the Assemblie, and speciallie the Ministrie, to call to myud the old Acts of the Assembly, that were revised, anent the conversation and carriage of Ministers, that by their painfulnes upon their people, the fruites of the Gospell might appeare in the land, that all that lookes on may see that we intendit nothing but reformation; and in particular regrated heavilie the great slighting of the worke of examination, that it was become perfunctorie when it was left to a few dayes before the Communion, and there wished that there should be weeklie examinations, and desired that some of the brethren should speake their judgments.

Mr Robert Blair said—I remember at the last Assemblie that King James was at, holden at Holyrudhous, 1602 yeares, that there were instructions given for the visiting of severall congregations, and a number of questions that the Ministers are to tryed in; and it is expresslie said there, that they shall be asked whether they have weeklie catechising through the year; and whill this be amended there is small hopes that people will be brought to the knowledge of religion.

Mr John Weymes said—It is to be regrated that most parte of Ministers scrufes the mater of catechizing, in making some stand up and repeat verballie words of the catechise upon the Sabbath afternoone, or some select tymes; quheras some time should be spent everie weeke in teaching the catechetick doctrine.

Mr said—A great helpe to this were, that familie duties were instantlie urged and pressed upon all masters of families, that they might take such paines on their children and servands, that when they presented them to us, they might tell us of what nature they were; and so long as familie duties, catechising of servands and children, and uther religious exercises, are neglected, our examination will have but small life.

The Moderatour added—It is very pertinently spooken; for so long as devotion is slighted in privat houses, and masters of families makes not conscience of these that are under their charge, the examination of Ministers is but like threshing on the water, except it be supported by privat diligence.

Mr Thomas Ramsay said—In my judgment, a great helpe to this were to provide understanding and well affected schoolmasters, who would use di-

ligence and paines upon the people, and that competent meanes were allotted for their maintenance.

Mr John Row said—I thinke a great helpe of all this, were the carefull visitation of particular Kirks by Presbitries, which is greatlie neglected.

Mr George Lammer said—It is verie expedient that it be recorded and made ane Act in this Assemblie, that familie duties be urged, especiallio catechising throughout all the Kingdome. To the which the whole Assemblie willinglie acquiesced.

Heir the Commissioners Grace returned to the Assemblie.

The Moderatour desired his Grace to bring foorth these good newes which the Assemblie hath bein long looking for.

The Commissioner answered—My Lords of Counsell with myselve have receaved your Supplication, desyreing that the Covenant, with the explanation of this Assemblie, may receive the force of ane Act of Counsell, to be subscribed by all the Subjects of this Kingdome; and we find your desire so fair and reasonable, that we conceive it our bounden dutie to grant the same, and thereupon have made an Act of Counsell to that effect. Now, there is a second Act to be expected in this Assemblie; and I am so fullie satisfied that I come now as his Majesties Commissioner to consent fullie unto it. I am willing that it be enacted here in this Assemblie, to oblige all his Majesties Subjects to subscribe to the said Covenant with the said explanation: and becaus there is a third thing that was desired—in respect I am to subscribe with a declaration—that I should sett doune the same in write and show it to the Assemblie. As a Subject, I shall subscribe to the Declaration of the Assemblie as follows:—

“The Article of this Covenant which was at the first subscription referred to the determination of the Generall Assemblie, being now determined, and thereby the 5 Artieles of Perth and gouvernement of the Church and Bishops, the civill places and power of Churchmen, upon the reasons and grounds contained in the Acts of the Assemblie, declared to be *unlawfull*, I subscribe according to the determination of the said free and lawfull Generall Assemblie.”

As his Majesties Commissioner, I shall subscribe to this Declaration:—

“Seeing this Assembly, according to the laudable forme and custome heretofore kepted in the like cases, doth in a humble and dutifull way supplicat to his Majesties Commissioner, and the Lords of his Majesties most honourable Privie Councell, that the Covenant, with the explanation of this Assemblie, might be subscribed; and, to that effect, that all the Subjects of the Kingdome, by Act of Counsell, be required to doe the same; and that therein, for vindicating themselves from all suspitions of disloyaltie, or derogating from the greatnes and auctoritie of our dread Sovereigne, have therewith added a clause, whereby this Covenant is declared ane in substance with that which was subscribed by his Majesties father of blessed memorie 1580, 1581, 1582, and often since renewed: Therefore I, as his Majesties Commissioner, for the full satisfaction of the Subjects, and for settling a perfect peace in Church and Kingdome, doe, according to my first declaration and subscription, subscribe to the Act of this Assemblie of the dait the 17 of this instant, allow and consent to, that the Covenant be subscribed throughout all this Kingdome. And in witnes whereof I have subscribed thir premisses—*Sic subscribitur*,

“JOHN EARLE OF TRAQUAIR. Commissioner.”



*The Commissioners Grace his Declaration prefixed before his Subscription [of] the Act of this Assemblie the 17th of this Instant. Sess. 8.*

"I, John Earle of Traquair, his Majesties Commissioner in this present Assemblie, doe, in His Majesties name, declair, that, notwithstanding of his Majesties ounie inclination, and maieie other grave and weightie considerations, that such is His Majesties incomparable goodnes, that, for settleing the present distractions and giving full satisfaction to the Subjects—doth allow, like as I, his Majesties Commissioner, doe consent to the forsaid Act, and have subservyed the premisses—*Sic subscribitur*,

"JOHN EARLE OF TRAQUAIR, Commissioner."\*

After the reading whereof, his Grace promised that the first thing should be done in Parliament, should be the ratification of all the whole premisses and Acts of Assemblie: at the hearing whereof, such unspeakable joy was wakened in the hearts of the whole Assemblie, that some could scairce containe themselves, but did expresse their incessant desires to acknowledge the God of Heaven with praises of King Charles, with his ounie due acknowledgement for such undeserved and unexpected favours, with clapping of their hauds, and crying "God save the King!"

The Commissioner said—Let everic Christiane hearte judge if this nation hes not great cause to pray for the prosperitie of the throne of King Charles.

The Moderatour said—It is incumbent to us having now gotten this Act of Councell and your Graces auctoritie, that we lykewise of this Assemblie, joyue our Ecclesiasticall sanction for the subscription of the Covenant, and renew (as it becomes us) the Acts for that effect, that we may be all one.

Then the rolles were called, and the whole Assemblie most unanimously, in one voice, with many expressions of joy among hands, did agrie according to the forsaid Act of Councell; and the Commissioner his Declaration, that the Covenant should be subscribed by all the subjects within this kingdom, under all Ecclesiasticall censure; and so after thanksgiving by the Moderatour, the Assemblie dismissed. To meit at 4 a clocke in the afternoone.

*Sessio Ultima.—August Penultima—hora quarta.*

After in calling upon the name of God, the Moderatour said—Please your Grace: the wrong fathered booke is perused, and is now to be considered by the Assemblie; and there is a Supplication in readinesse to be presented to your Grace, that the samen (as a matter that toucheth his Majesties honour verie nearlie) may be represented to his Majestie.

The Commissioner answered—I have receaved the Supplication, and shall represent the same to his Majestie.

The Moderatour said—We cannot passe by your Grace and the Parliament, as two steppes whereby we mind to ascend to his Majestie.

The Commissioner said—I will receave it here, and he may take course to represent it to this Par-

liament. The Commissioner desired that the short tyme might be well spent.

The Moderatour answered—We are waiting for a Covenant, to the end your Grace may subscribe it.

The Commissioner answered—I must take a tyme to collation what I subserve, and I shall doe it in als publiet a way before the Estates in Parliament; for he must be tratour both to God and man that subservyes the Act which I have done alreadie, and will not subscribe the Covenant.

The Moderatour desired his Grace to heare the Overtures that were to be given in to the Parliament, as followes:—*First*, That the Acts of this Generall Assemblie be approven and ratified, and that all former Acts of Parliament, ratification, &c., (*hic diest.*) Ane overture, showing the necessitie of having a Commission at Edinburgh, with power from this Assemblie if neid require, and for framing a humble Supplication to his Majestie, to thanke him for his late favours, to hear all humble grievances in Kirk affaires, to represent the same to his Majestie, and receive his Majesties graceous answer, and report all to the next Assemblie.

After much agitation betwixt the Commissioners Grace, the Earle of Rothes, Lord Lowdown, and the Moderatour, it was condescendit upon that the Assemblie should grant the foresaid Commission to the Presbitrie of Edin<sup>r</sup>, upon condition they meet only upon their ordinary Presbitrie day.

The humble Supplication of our countrymen who travell in the neighbour kingdomes, prest with an unlawfull oath, contrare to our Covenant subservyed be them, to be excemed from the said oath, being willing to sweare the oath of alleadgeance, or to give any other declaration of their loyaltie to his Majestie which is compatible with our Confession and Covenant—recommended most humblie and earnestlie to the Parliament.

Mr Patrick Lindsey, his Supplication being read at the Commissioners desire, grants a conference to him, and referres the proces to the judge competent.

The Moderatour desired, that since the Assemblie had gotten the Commissioners auctoritie for subservyng of the Covenant with ane Act of Councell enjoying the same, that they might adde their Ecclesiastical sanction thereunto; whereto the Rolles being called, the whole Assemblie unanimously agreed that ane Act should be framed to that effect; the tennour whereof followeth. [Vide p. 208 of these Records.]

The Moderatour asked if any man knew of any matter to be proponed before the closure of the Assemblie. It was answered there was no more to be done but the tyme and place of the next Generall Assemblie to be condescended upon.

The Assemblie, with consent of the Commissioners Grace, fand it expedient that the next Generall Assemblie should sitt at Aberdeene, the last Tuysday of Julii, [1640.]

*The Moderatour his last Speech before the closure of the Assemblie.*

This is the day which the Lord hath made; let us rejoyce and be glad in it: a glad day it is which we long looked for, and we are the most oblidged nation to our God and our King under the coppe of Heaven; and therefore our Lord ought highlie to be praised, and our King heartilie acknowledgit. First, our Lord ought to be praised, becaus in trueth he hath wrought wonders in our sight; for he hath declaired exceedinglie his mercie and his

\* Although these several Declarations are to be found in the Acts (Records, pp. 207 and 208), yet, as the terms of them formed the subject of future debates, we have inserted them here, as we find them detailed in the report of proceedings in the Folio MS.



justice to Scotland. First, he hath declaired his justice; first, upon us Ministers; secondlie, upon yow of the State; thirdlie, upon our adversaries the Prelats. First upon us of the Ministrie. We studied not to be spiritual in our doctrine, and thought matters but small at the beginning, and therefore the Lord suffered men to make slaves of some of us, and tyrannize over the conscience of uthers. Secondlie, upon yow of the State. Ye looked through your fingers when Prelats were creeping up and miskend the matter, and the Lord suffered them to ryde over your necks: And never did any, (not a King excepted,) exalt a Miinster above his station, but that Minister exalted Popedome over his bellie that exalted him. Thirdlie, justice upon our adversaries the Prelats. They would not be content of the title of Ministers but of Lords, and he hath taken both from them, and powred shame upon them withall. Thus hath the Lord manifested his justice, but in such a way that he hath also manifested his mercie in a wonderfull maner; first to our ministers, 2<sup>lie</sup> to the Kings Majestie, 3<sup>lie</sup> to the State.

First, he hath not given our souls over to death and delusion, nor suffered us to goe utterlie to defection, but hes in the midst brocken off all their plotts, who thought to have caused everie mans purse light in their lapp, and shoven furth his justice on them. Secondlie, He hath manifested mercie to the King in keeping him from shedding innocent blood, which is no griefe to his Majestie this day; and this the Lord hath convayed in such a way as is wonderfull to Scotland, in blessing weake meanes, so as he would not have humane power seene; for there was never a steppe of our bussines but we were still put to a noneplus what to doe. Next, and when we knew not what to doe, then did the Lord come and poynt out the way before us, and did so leappie out our blessings to us, that whenever we got a little hope we gott feares upon the back upon it, to keipe us from being wantoun, and did so cogg the running of our wheelles that he made a considerable pairt of the Lords of Councell to stand aloofe from our bussines, which tempered all thinges in Gods providence (whatever men intendit) that it tendit all to our good. Thirdlie, He has manifested such great mercie and love to our State, as, when we marke the passages of it, it is wonderfull to sie a State troubled so long, and in a legall manner settled againe; a great wonder to sie such commotions and so few ill fruites following upon it; a great wonder to sie Scottsmen going through-other, and in such a sturre for the space of two years, and a peaceable conclusion. There is a wonder to sie Prelats bigg their nest up in Heaven, and call themselves the triumphant Kirk, and the Lord bringing them doune lower than the dust. There is a great wonder after many tumults and Assemblies, such a peaceable Assemblie as this; which is more to heare Prelats saying that King Charles should not brooke his crowne except they stood, and that it should fall with them, and yet to see King Charles brooke his crowne, and they to fall—a great wonder!

Now since the Lord hath done so, let his great name be exalted. Let all of us lay our hands on our mouths, for the Lord hath done it. He was provoked ten thousand tymes to cutt the warke in the midst, and yet hes beine pleased to draw it to this great lenth; therefore love the Son of God who hes taine power and glorie to himselfe, sittin doune on his throne, and purged his house; so that now there is no ordinances in this Kirk that we ken of but Christs. All we ministers are only servands, bound to give our accompt of all that we doe, and

to show our letters from our Master, or else speire ye at us—Wherefore bidd ye us do that? Where is your Commission? For we have no power but as a messenger of armes, who must ay show his warrand. Would to God we knew our Masters bewtie, and the glorie of the Sone of God! Then would we all be affected with greater measure of love to him then we have beine, and will goe about his flocke, and bestirre ourselves more carefullie for their behoove then we have done. And any of us that gives ourselves out for Christs servands who gets meat and fie from him, declair it to the world by feeding of his flocke.

Now for the Kings Majestie: let us leave flatterie, and speake solide and soft words, such as be seemes a grave Assemblie: And, for this end, I will propone three things concerning the Kings Majestie, which doth enforce a favourable construction of his Majestie by us. Ane is his Majesties education. Had any of yow beine brought up as his Majestie, and never scene any uther thing, I trow ye should have stucken as hard by that cause as he. A second is the information of these that his Majestie trusted much into; for there is not a Prince in the world more accessible, nor giveth more in trust to these that he reccaves in kyndnes and favour, which is a propertie of a verie good Prince. Now, when Bishops were Counsellors, of whom should his Majestie take counsell but of Churchmen and Counsellours both? Secondlie, consider this: Kings cannot understand all things in a Kingdome. They must trust some, and whom (thought he) should he trust but these that was most oblided to him, had their being of him, and were created for that end? And yet, of all men in the world, they did him worst service.

The third is this—the manner of the Kings proceedings toward this land. His proceedings hes never beene as anemie, but to try us and put us to prooffe what we were seeking. When we did supplicat, he gart blow the trumpet, and discharge us all off the toune, to try if we would cease there; gart discharge us from all the judgment seats; and when we proceedit on, he thought he would essay us with our lyves; and so his Majestie came not in armes to destroy but to try us. Why? As soone as he had tryed us, and found that we were seeking nothing but religion, and were loyall in our hearts to him, presentlie his Majestie folded and layd doune armes. This I speake, that ye may wiselie pryce in the matters of princes, and neither thinke, speake, nor write utherwayes then becomes yow, and not only temper your tongues in speaking of him, but love your Prince yourselfe, and procure all that yow can, love and obedience towards him of others. And trewlie, whoever knew him described, they would thinke him verie love-worthie. First, he is the most gentle-natured Prince; secondlie, the least suspitious; thirdlie, a Prince more readie to forgive faults when they are acknowledged; fourthlie, the most loath to take misinformation when it is given, then any Prince in the world; fifthlie, and which is ane odd thing, he hath not a face against reason. Bring reason to him and he will yield; and if these be not poynts of a lovelie Prince, judge ye. Sixthlie, and which is most of all, that he hes quate his aune inclination and education, and said to his Commissioner and this Assemblie, “Goe yce and doe as yee find Gods Word and the Constitutions of this Kirk warrands yow: goe your way: serve God according to his Word; and whatever yow conclude according to that rule, I shall authorize it.” Seventhlie, there is no Prince in the world so cleare of infirmities as he. These



things being well considered, and withall, his Majestie being farr from us, and considering in what danger Princes are in—subject to als many tentations as tries that are on a hill head, obnoxious to divers blasts and winde—and have need to be supported by the prayers of their people.

These thinges, I say, being well considered, will make all men construct favourable of his Majestie ; and if we will rander that duetie of humble thankes and heartie prayers, who knowes but he shall be the most comfortable instrument for advancement of religiou in the whole world ; and this little distance that hes beine, may end in the sweetest reconciliation that ever was sceue betweene a King and a People ? And becaus we would give a right construction to all under his Majestie who have procured our good, I will ranke all these that ran not in the same course with us, to seeke the peace of the Kirk, in three rankes : First, some followed the Prelats, and being affected with Poperie, they knew no better hydiug place then under the Prelats mantle. A second sort, that followed the erring judgement of the misinformed conscience ; and these ought to be pittied of all that knowes them. A third sort are those who walked in a State way ; and it is not the day nor yesterday that they have merite of us a favourable construction. It was evident they loved both the King and the State ; for they divided themselves to have gained peace. When themselves were with the King, their soules were with us ; and my Lords of Councell who have stayed with us at this tyme and countenauced our proceedings, ought also to have their aune thankes. And for your Grace, we thinke a large scoare is due to yow ; for if God had not put your Grace upon this Act, there had beene many hard thoughts of yow, for we thought yow still over farr incluying to the other syde of it. But its Gods mercie to yow, and count it no small favour, that yow are made the instrument to croune this worke in a maner. Lay it up in your heart and in your charter-kist as a most speciall obligation, to make yow imploy your excellent witt and all that yow have, for Christ, who lettis none that does fear him want their reward.

And we will not forget the Marqueis of Hamilton, who, according to report, hes loved our peace. Howsoever, he was anee in a passage, that if he had come any further, he might have hazarded soul and bodie both : Yet we will give him a favourable construction.

Now, there rests a word to every ane of yow, Commissioners and Members of the Court of our Lord Jesus Christ : for I compt this ane of the chiefest courts that Christ holds on earth. Elders, sett your hearts to assist the worke of the ministrie ; for ye are officers to oversee the maners of everie ane within the Kirk, that they miscarie not, and to take notice what fruites of the Gospell are brought forth. Ministers, be faithfull to your Master ; and, above all thinges, love ane another. Stryve not ane with another ; neither insult over those that have beine of a discrepant judgment from us, anent the matter of ceremonies and the government of the Church ; but let us make a perpetuall act of oblivion in all our memories of such thinges. Let us be glad together. Let us lay aside all disputes that have taken up much tyme which might have beine better spent ; but we were neccssitat unto it for clearing of ourselves and of our cause. And if thus ministers will doe, I will speake prophesie to yow : It shall come to passe that if yow will keepe yourselves at your booke and your chamber and studie, to be powerfull and spirituall in doctrine,

ye shall have more credite nor if ye ran to Court teu thousand tymes. Your paroches shall travell to Edin<sup>r</sup> to plead for your stipend, whereas before they let you goe yourselves. Therefore wait upon your calling, and your Lord and Master shall have a care of yow. Let us be instant with our Lord to get his Spirit powred out upon us ; for the word without the Spirit is but like a tinekling cymball. To him who will doe this, and who hes wrought, and will worke all our workes for us, be praise !

And so, after prayer by the Moderatour, and singing the 23 Psalme, and saying the blessing, the Assemblie depairted, joyfullie and glad for all the wonders that God had done for this Church and Laud.

FINIS.

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THE  
GENERAL ASSEMBLY,  
AT ABERDEEN, 1640.

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AFTER perusing the Reports which we have given of the proceedings in the Assemblies of 1638 and 1639, and the several relative documents therewith connected, our readers, we are convinced, will agree with us, that the mere Acts, as they are technically termed, of these and similar Assemblies, convey but a faint and feeble impressiou of the real character of those Conventions. They are but the dry bones, as it were, of our Ecclesiastical Constitutions. It is in the circumstances attendant on their enactment ; the causes in which they originated ; the muniments of the period, (sometimes public and frequently long concealed) ; the reasonings of the antagonist parties, and incidental outbreaks of individual feeling ; and, more especially, in the dramatic movements of debate in popular assemblages—that we catch the true spirit by which the more formal enactments are re-awakened in the present age, and presented to the eye and the mind of a modern student with all the vividness and force of scenes passing daily around us.

We have now reached the Acts of the Assembly 1640 ; but, ere we proceed to that very limited portion of our undertaking, we must be permitted to take a review of the more prominent features of the Assembly in 1639, and of the events which intervened betwixt that and the subsequent meeting in 1640.

It will be recollected that, by the Treaty of 18th June 1639, it was stipulated that all matters *ecclesiastical* were agreed to be settled in a General Assembly, and matters *civil* in the Parliament and inferior judicatories established by law. Unhappily for the King and the Covenanters, this vague and general basis was soon found to be too narrow to bear the superstructure which each party intended to rear on it ; and ere the parties had retired to their several homes, the seeds of future collision were sown. No clear and precise line of distinc-



tion was drawn in the treaty, betwixt what was to be deemed ecclesiastical and what civil ; and in his warrant for the proclamation by which the Assembly and Parliament of 1639 were indicted, the King, on the 29th of June, directed that all "Archbishops, Bishops, and Commissioners of Kirks," among others, entitled to place and voice therein, should attend, as Members of the Assembly, on the 12th of August following.

This, in the estimation of the Covenanters, was tantamount to a departure from the spirit of the treaty, in which nothing was said in plain terms as to the constituent Members of that Assembly. The Covenanters could not, as the King well knew, recognise Archbishops and Bishops as legitimate Members of a General Assembly of the Kirk of Scotland—the intrusion of them into the Church being all along stated as their chief and leading grievance, for the removal of which, and the oppressions thence resulting, they had taken up arms. Of this the King and his Counsellors were fully aware—and therefore his proclamation was truly the signal for a renewal of the agitations which had ostensibly been quelled. It was literally keeping his word of promise to the ear, but breaking it to the hopes of his Scottish subjects ; and, accordingly, no sooner was the proclamation issued, than it was followed by the usual flood of protestations and manifestoes on all hands. No doubt Episcopacy was still the unrepealed law of Scotland, and the parties, by mutual consent, had agreed to waive all discussion as to the Assembly of 1638 ; yet, if the King honestly intended to leave Church matters proper, to the decision of a new General Assembly, to be afterwards considered and ratified in Parliament, he was bound to have informed the Covenanters explicitly, that the Assembly of 1639 was not to consist (as they necessarily understood) of Members chosen on the old Presbyterian platform, but of Prelates and Statesmen sent thither by virtue solely of the Royal prerogative, and who were not, in any intelligible sense, the representatives of the Scottish Church. In short, (as is proved by his correspondence with the fugitive Prelates, and other evidence,) his entering into the treaty of 18th June was a mere juggle, and his promise of a Free General Assembly a palpable fraud—his settled purpose being unquestionably to restore Prelacy whenever he could, and to render the deliberations of the promised Assembly altogether nugatory, with reference to the objects for which it was sought and agreed to.

Although the latent proofs of Charles's duplicity were not known to the Covenanters, they found in the proclamation and other circumstances, sufficient reason for distrust ; and their past experience, both of the King and his advisers, was sufficient to rouse their suspicions. Their vigilance and preparations continued unrelaxed ; and so formidable was the tone of public feeling in Scotland, during the brief space which elapsed betwixt the date of the treaty and the meeting of the Assembly, that the King

found it necessary to adopt a temporizing and most insidious policy. Traquair, a man of talent and consummate address, armed with the King's secret instructions, came down to Scotland as Commissiour, and the Assembly met on the 12th of August.

It will be seen, from the foregoing report, that the Commissioner, although he hinted at some objections to Members of Assembly, stated none when called on ; and thus and otherwise, he fully recognised, in the King's name, the perfect lawfulness of the Assembly, and soon pledged himself to sanction, for his Sovereign, the Acts which it might pass, on all the vital points for which the Covenanters had so strenuously struggled—assented to the abolition of Episcopacy and all its obnoxious accompaniments in Scotland—and undertook to get these Acts ratified in Parliament. The suspicions of the Assembly were lulled by the speciousness of Traquair, (whom, however, we are not prepared to condemn so vehemently as has sometimes been done both by his coadjutors and antagonists ;) and we have rarely perused the account of any scene, whether of real life or of skilful romance, with keener feelings than those excited by the detailed report of proceedings in the General Assembly on 17th August 1639. When the seemingly gracious intentions of the King were intimated by Traquair, there was a simultaneous burst of gratitude and confidence, and, in the highest sense of the words, of chivalrous loyalty. The stern men of the Covenant were melted into tears of high-minded and generous gladness. The venerable Patriarchs of the old Presbyterian Church, who had served at its unpolluted altars for half a century, and who had mourned its degradation in silent sorrow, or suffered captivity and oppressions from its temporary Lords, poured out their hearts in thanksgivings to God and the King, for these unlooked-for manifestations of royal grace and favour.

"Mr John Weymes, called on, could scarce get a word spoken for tears trickling doune along his gray haire, like droppes of rain or dew upon the toppe of the tender grasse ; and yet withall, smyling for joy, said—I doe remember when the Kirk of Scotland had a beautifull face. I remember since there was a great power and life accompanying the ordinances of God, and a wonderfull worke of operation upon the hearts of people. This my eyes did see—a fearfull defection [followed] after, procured by our sinnes ; and no more did I wishe, before my eyes were closed, but to have seene such a beautiful day, and that under the conduct and favour of our Kings Majestie. Blessed for ever more be our Lord and King, Jesus ; and the blessing of God be upon his Majestie, and the Lord make us thankful !"\*

Such were the pathetic and touching strains in which the worthies of the olden Church received the announcement by Traquair, of the hollow and hypocritical message of which he was the herald. We do but justice to the memory of Traquair, when

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\* Vide Report, p. 251.



we give him credit for being moved by such testimonies of affectionate loyalty, and convinced that the system of dissimulation of which he was but the "echo," was utterly impolitic and impracticable; and he acted his part with a talent and temper which we cannot but admire. He was indeed placed in "a false position," in which no man could have done at once what patriotism and honour prompted, and yet obeyed the master whom he served, or gratified the minions of his court. Had Charles but followed out the course which the sagacity of Traquair, and the circumstances in which he was placed, chalked out in the Assembly of 1639, we verily believe that the King might long have reigned in the hearts of a loyal people, and Traquair have been remembered as one of her patriots and best benefactors. But the infatuation which overruled these arrangements, led to other and very different consequences.

In viewing these transactions, however, justice must be done to the King as well as to the Covenanters; and there is no doubt that the latter, in some particulars, deviated from the spirit and avowed purposes of the treaty. That treaty was based on a spontaneous declaration by the Covenanters, that they would yield "all civil and temporal obedience" to the King, and that all they claimed was security for their "religion and liberties, according to the ecclesiastical and civil laws" of Scotland;\*

\* Amidst the multiplicity of documents, and of authorities to which we are obliged to resort for them, we see, on looking into Rushworth, that two have been omitted, which we take the earliest opportunity of supplying. These are, a Note by Lord Lowdon, at a conference with the King, on 11th June 1639, and his Majesty's answer thereto, on the 13th. These are important, as shewing the primary basis of the negotiation. They are in the following terms:—

"MEMORANDUM.—That our desires are only the enjoying of our Religion and Liberties, according to the ecclesiastical and civil laws of his Majestys Kingdom.

"To clear, by sufficient grounds, that the particulars are such, we shall not insist to crave any point which is not so warranted. And we humbly offer all civil and temporal obedience to your Majesty which can be required or expected of Loyal Subjects.—(Signed) LOWDON."—(Rushworth, vol. iii., p. 941.)

At the next Meeting in the King's Camp, on the 13th, (where Henderson and Johnston were present,) the following answer, by the King, to Lowdon's Memorandum, was produced:—

"That, whereas his Majesty, the 11th of June, received a short paper of the general grounds and limits of their humble desires, his Majesty is graciously pleased to make this answer, That, if their desires be only the enjoying of their religion and liberties, according to the ecclesiastical and civil laws of his Majestys Kingdom of Scotland, his Majesty doth not only agree to the same, but shall always protect them to the uttermost of his power; and if they shall not insist upon any thing but that is so warranted, his Majesty will most willingly and readily condescend therunto, so that in the meantime they pay unto him that civil and temporal obedience which can be justly required and expected of Loyal Subjects.—At his Majestys Camp, the 13th of June 1639."—(Ibid., p. 942.)

We may also note that Rushworth gives all the dates more precisely than we find elsewhere. The Earl of Dunfermline went to the King's from the Scotch Camp, on the 6th, with the petition from the

and the ambiguous terms of the treaty, when finally completed, just left the vexed question as open as it was before—What were the Ecclesiastical and what the Civil Laws of Scotland at the time? Charles held that Episcopacy was the form of Church Government settled both by the ecclesiastical and civil laws in force at the time; while the Covenanters looked back to the constitutions and enactments prior to the changes introduced by King James VI., and understood that these were to be assumed as the securities which they demanded; and hence, the treaty in fact amounted merely to a truce, which was soon destined to be broken.

The course adopted in these circumstances by Traquair and the leaders of the Covenant at the Assembly, had it been judiciously followed out, might have obviated all difficulties—viz., that the Assembly should, by a declaratory Act, indicate what the Church held to be its genuine ecclesiastical constitutions, to be afterwards submitted to and ratified by Parliament. And had nothing been done beyond their declaration as to the causes of the recent troubles, matters might have been satisfactorily adjusted. But this was not the case. Although it was clearly agreed on, that no reference should be made to the Acts of the Assembly 1638, and that nothing was to be founded on these, the Covenanters broke through this arrangement in one most essential particular—namely, with regard to the depositions and excommunications of Ministers which had taken place under its authority. Notwithstanding repeated warnings and remonstrances by Traquair, the Assembly entered upon a review of all the proceedings of the Commissions that had acted by authority of the preceding Assembly, which was virtually assuming and sanctioning the Acts of 1638; although, as stated by themselves, the King had declared he never would recognise or sanction the proceedings of that Assembly. By taking cognizance of these cases of deposition, &c., they in effect anticipated the decision of Parliament, with respect to their findings as to the constitutions of the Church, and thus inverted the proper order of procedure. They thus furnished, not merely a plausible, but a valid ground for the King to object to their whole proceedings; and although we acquit the single-hearted and zealous Presbyterian Clergy who concurred in this anomalous course, we cannot so readily forgive the Nobles and other laymen who were parties to the negotiations, and who have left on record their own statements, that the Acts of the Assembly of 1638, were to be held as in a state of abeyance in that of the following year.

Covenanters, (No. 49 of Documents, p. 225;) and Sir E. Veruey returned with him, bearing the King's answer, (No. 50, p. 226;) the "Reasons and Grounds," &c., were produced on the 13th. The Scots deputies returned on Saturday the 15th, and again on Monday the 17th; and the treaty was signed on the 18th. On the 22d, the King left the Camp for Berwick; and, on the 24th, his army was dismissed and dissolved.—Rushworth, p. 943-946.



In this particular, therefore, it appears the Covenanters were clearly to blame, independently altogether of the unsound nature of the proceedings of the Commissions, and the venial accusations against many of the deposed Ministers, many of whom were constrained, by operating on their fears and other grovelling feelings, to acquiesce in decisions which they could not resist, and to profess submission, when in their hearts and consciences they could not be supposed, honestly, to yield it. It is impossible to read the details about some scores of these poor men, without pain and reprobation; and the vindictive spirit in which they were treated ought to be a warning, in all future times, against a rash submission to high pretensions in popular ecclesiastical courts. Many were deposed on very questionable grounds, and others were left for the administration of what was called "mercy," on condition of renouncing all their previous convictions and professions, and their sense of allegiance to the monarch and statute law of the land. That some were unworthy may be admitted; but trial in their absence, upon nice points of metaphysical theology, and by means of evidence of very questionable credibility, is, to say the least of it, a characteristic of the Assembly of 1639, which reflects but little credit on its charity or its justice.

We must be permitted further to remark, that the soreness and ferocity which were indicated by that Assembly in reference to the "Large Declaration," or Manifesto, afford but slender proofs of magnanimity or conscious rectitude. That work was known to be the production of Balcanquhall; and, after a minute examination of it, an elaborate report on its mis-statements was read, when the following colloquy took place.\*

"The Moderatour desired some of the brethren to give their judgment of the said Booke.

"Mr Audro Cant said—It is [so] full of grosse absurdities, that I thinke hanging of the author should prevent all other censures.

"The Moderatour answered—That punishment is not in the hands of Kirkmen.

"The Shireff of Teviotdaill [Douglas of Carvers], being asked his judgment, said—Ye were offendit with a churchmans hard sentence already; but, truelie, I could execute that sentence with all my heart, becans it is more propper to me, and I am better acquainted with hanging.

"My Lord Kirkendbright said—It is a great pittie that many honest men in Christendome, for writing little bookes called pamphlets, should want cares; and false knaves, for writing such volmes, should brooke heads."

These "random ebullitions" require no commentary: but in such manifestations of character we discover that spirit of fanatical intolerance, which at no distant period, involved the two British kingdoms in all the horrors of civil war—consigned their Sovereign to the block—rent the Church of

Scotland into two ferocious factions, and finally subjected it to contumely and extinction at the hands of a canting usnrper.

There is another point in these proceedings which must ever excite regret and reprehension—we mean that act by which they sought and obtained the Commissioner's sanction, and that of the Privy Council, to a compulsory subscription to the Covenant. "This ordinance," says Dr Cook, in his History of the Church of Scotland,\* "so popular throughout the kingdom, was, in fact, an engine of severe persecution. It required, by authority, from all ranks of men, and particularly from those whose opinions were suspected, subscription to a number of propositions, about which multitudes must have been totally ignorant, and to maxims respecting ecclesiastical polity, which it is impossible to suppose were not condemned by numbers, who, having for many years lived in communion with an Episcopal Church, could not be persuaded that such a Church was unlawful. So long as signing the Covenant was a voluntary expression of attachment to a particular cause, much might have been said in its justification. But now, when it was required by an Act of Council and the Church, which it was dangerous to disobey—now that it could be forced by the zealots of a sect upon all whom they chose to harass—it must be abhorred as occasioning, to the consciences' part of the community, much wretchedness, and as calculated to diffuse that relaxation of principle which is the bitter fruit of every deviation from the tolerant spirit of pure religion."

Concurring as we do most cordially in these just and enlightened views, we need only add, that no man will defend this blot in the escutcheon of the Covenanters, who would not, if he had the power, imitate their example.

Before finally taking leave of the Assembly of 1639, we cannot overlook the fact, that, in all the proceedings, either in it or in that of the preceding year, or in the voluminous details of grievances of which they complained, we can find no trace whatever of *lay patronage* being regarded or even mentioned as one of the number. It is equally remarkable, too, that both Henderson and Dickson repeatedly state the doctrine of the lawfulness of civil interference in matters ecclesiastical; and that the notions which, at a subsequent period, sprung up and distracted and divided the Church, as to the anti-scriptural nature of lay patronage, and about the independence and inherent power of an *established* Church, (established too on certain precise and definite terms), do not appear at that time to have been either agitated or even mooted. We merely note the circumstance as an historical fact, without at all entering on a controversy in the matter. But certainly the eager desire, manifested incessantly, for a ratification of the ecclesiastical constitutions by the civil authority, emphatically implied, that, without

\* Vide Report, p. 268.

\* Vol. ii., p. 501.



such sanction, these applicants did not regard their own Acts as sufficient to clothe them with complete authority.

The day after the Assembly dissolved, being the 30th of August 1639, the Parliament—which had been prorogued, from time to time, to the 31st of that month—convened, and was opened with all the state of the ancient “*Ryding of Parliament*.” A preliminary difficulty, however, occurred to its constitution, in consequence of the absence of the Prelates, who, by the subsisting laws and usages of Parliament, formed a component part of it. Prelacy had been abolished by an Act of Assembly, but that was not yet ratified by Parliament; and, in order to supply the place of the Bishops as one of the Estates, it was agreed that, for the present, the Commissioner should, in their stead, select eight of the Nobles to be among the Lords of the Articles; being a committee to digest all business for the consideration, and adoption, or rejection of the whole house. The Earl of Argyle entered a protestation that the present mode of choosing the Lords of the Articles should be no precedent for the future; and intimated in it an innovation on the future constitution of Parliament, by introducing a different mode of naming the Lords of the Articles from that which had heretofore obtained—namely, by excluding the nomination of the Crown or its Commissioner, and giving to the Lords, Barons, and Burgesses the nomination from their several bodies. This initial difficulty being overcome, the Commissioner, on the 6th of September, signed the Covenant—not as Commissioner, but as Treasurer; and on the same day a Bill for the ratification of the Act of Assembly 17th August, anent the bygone evils of the Church, and the Supplication against Dr Balcanquell, were passed in the Articles; while a Petition, presented by the Commissioner, in favour of the ousted Ministers, was refused; and a Bill for rescinding the Acts in favour of Episcopacy was handed to the Lord Advocate, to be revised: and all this passed amidst a profusion of protestations, which it is unnecessary to notice.

On the 11th of September, there was a warm debate on the proposal to bring down the vengeance of Parliament on Balcanquell and his “*Large Declaration*,” in which Traquair resisted it as offensive to the King, while Argyle and Rothes supported the vindictive Petition from the Assembly; but the Acts as to the constitution of Parliament, &c., made some advance; and Baillie, in a letter dated October 12, gives a very striking picture of the condition to which the contending parties had reduced themselves. “*The affairs of our Parliament*,” (says he, vol. i., p. 188,) “*goes but this and that way, if we look to men; our estate is but yet wavering up and down in the scales of a very dubious event. Our main Acts are but scarce past the Articles. The Commissioner either threatens to rise, or to protest in the day of the riding, or to make declarations equivalent to protestations, or to deny the sceptre to our most substantial desires.*

To prevent this, we have been content to sit still, half-idle, thrice so long time as ever any Parliament in our land did continue, waiting till posts upon posts, running up and down, for carrying to us the Kings pleasure. It seems our enemies credit is not yet extinguished at Court. The Castle of Edinburgh is daily made stronger. From London, the other week, arrived at Dumbarton a great ship, with cannon and other munition, with an English captain, and divers English soldiers. Division is much laboured for in all our estate. They speak of too great prevailing with our Nobles. Hume evidently fallen off; Montrose not unlike to be ensnared with the fair promises of advancement; Marischal, Sutherland, and others, somewhat doubted; Sheriff of Teviotdale, and some of the Barons, inclining the Court-way. Divisions betwixt the merchants and Crafts of Edinburgh; and so, by consequence, of all the Burghs in Scotland, carefully fostered by our Commissioner; our prime Clergy like to fall foul upon the question of our new private meetings.”

In this state of distraction and doubt, matters continued—the views and sentiments of the King having been sufficiently indicated in his letters to Traquair, whose policy was, of course, guided by his Master’s orders. On the 24th of September, an Act for rescinding all the Acts in favour of Episcopacy was voted and passed in the Articles, under a protestation by the Commissioner against that or any others prejudicial to his Majesty’s authority; and the Act as to the constitution of the Parliament was also passed. While matters were thus agitated and protracted, the Parliament was continued on the 24th October till the 14th of November, when the Lord Advocate presented a royal warrant for proroguing it till the 2d of June 1640, the Covenanters entering their protestation.\* Thus the King baffled all the hopes of the Covenanting party, of obtaining a ratification of their favourite ecclesiastical decrees—a result attributable, no doubt, in a great measure, to the extreme violence of some of their propositions, of which the King availed himself by stating, as the ground of adjournment, that various things had been propounded which trenchd on his civil authority and government.†

This step could not fail to startle and exasperate the Covenanters, more especially as their deputies, (the Earl of Dunfermline and Lord London,) who had been sent off to Court after the prorogation on 14th November, had been dismissed contemptuously, without ever being admitted to an audience of the King. When the King sent orders for the prorogation, which took place of that date, he also ordered Traquair up to London, to give an account personally of all the recent proceedings in Scotland. He was coldly received, in consequence of the concessions he had made, and his signing the Covenant.

\* Rushworth, vol. iii., p. 955.

† Acts of Parliament, vol. iv., p. 285, 286. (Mr Thomson’s edition.)



He was accused by the Covenanters of inciting the King to a new war, and is alleged to have made his peace by doing so ; but, although this is stated by Burnet and others, we have never seen any evidence to substantiate the charge ; and it is more probable that his best (as in truth it was his only) apology for the part he had acted, was, that he had no alternative but to yield to the dominant party, both in the Assembly and Scottish Parliament, or at once commit the King in open hostility with his northern subjects. Indeed, it seems utterly impossible that he, or any man, could have obeyed his instructions without at the same time outraging the whole policy and passions of the Covenanters, and precipitating another open revolt, before the King could have made any preparations to encounter its force. He had, however, obtained possession of a letter from the leaders of the Covenant, addressed to the King of France, soliciting protection and assistance—a document which, it appeared afterwards, had never been sent or perfected ; and this document, as in duty bound, he produced to his Sovereign, as a proof of the treasonable purposes of the Covenanters. It is quite possible that, with such apparently good evidence in his possession, he might have represented to the King that nothing but force would curb the ambitious views of the Covenanting Nobles and Barons ; but, in so doing, had it even been so, we cannot discover any rational ground for the inveterate hostility subsequently shewn to Traquair and Hamilton as *incendiaries* ; for, whether the letter was or was not sent, it evinced the treasonable purpose which was cherished, of soliciting the assistance of a foreign potentate, for the accomplishment of their purposes ; and both Traquair and Hamilton were bound, as loyal subjects, to make the fact known to the King, and to give him such advice as their opportunities of observation enabled them to afford.

Be this as it may, however, the Covenanters transmitted another petition to the King, by a person named Cunningham, requesting permission to send some of their number to Court to vindicate their proceedings. This the King granted, and Loudon and Dunfermline were again dispatched, on the 31st of January, for this purpose. On the 2d of March, (1640,) these Deputies got notice that the King would receive them next day in the Council Chamber ; and, on that occasion, Loudon made an elaborate exposition of all the Scottish grievances, which, with the King's counter Declaration, are too long for insertion in this work ; but the curious reader will find them both embodied in Rushworth's Collections.\* Several other audiences were given, at the last of which (18th March) the King and Council declared that the Deputies had no sufficient authority to demand a ratification of the Acts of the preceding Assembly. On the 11th of April a warrant was given to Adams, one of the Sheriffs of

London, to take Loudon into custody ; and he was subsequently committed to the Tower, on a charge of high treason, for his participation in the letter above alluded to ; and he was not liberated thence till the 27th of June following, upon certain conditions which were not very creditable to either of the parties.\*

Of this transaction, there can, we think, be but one opinion among all honourable men. Whatever might be Loudon's demerits as regarded the letter to the King of France, he went to England under the guarantee of a Royal protection ; and he was not amenable to any tribunal in England, as a Scottish subject, for an imputed offence committed in Scotland. He pleaded this, and the acts of pacification and indemnity which had followed. It appeared, too, that the act of treason had never been consummated by transmission of the letter ; and he offered himself for trial in Scotland. The King was saved the infamy of carrying his original purpose into execution by a trial in England, in consequence of the interposition of Hamilton, who represented the serious consequences which would ensue. But we must now turn to the movements in Scotland subsequently to the prorogation of its Parliament in November preceding.

The finances of the King having been exhausted by the useless parade on the Borders during the preceding summer, and a renewal of the war having been resolved on by his Majesty and "The Junto," as it was termed, in whose advice he confided, (Canterbury, Strafford, Hamilton, and Morton,) Charles was constrained to have recourse to a Parliament in England. This was reluctantly adopted, as the only means by which the sinews of war could be provided—and was the first that had been called by the King during the space of twelve years, in the course of which he had managed to carry on a perilous system of government, by levying taxes in virtue of the prerogative, and other devices, which ultimately led to his ruin. A Parliament having been summoned in England, and the warlike purposes of the King having speedily been manifested, these things could not long escape the vigilance of the Scottish leaders ; and a meeting of the Nobles, Gentry, and Ministers was summoned at Edinburgh on the 10th of March ; when, with their wonted energy, they resolved to levy an army, to fortify all the strengths of which they could obtain possession, and to raise the requisite funds for the purpose, both by voluntary contributions and taxes ; and such was the enthusiasm of the people, that plate, jewels, and whatever wealth a poor country could supply, were cheerfully poured into the coffers of the insurgents. The banner of "The Covenant" was once more unfurled, and the pulpits of the clergy again resounded with ardent exhortations to rally round it.

Meanwhile, the proceedings in England tended materially to promote the views of the Scottish leaders. Before the Parliament was assembled,

\* Rush. vol. iii. p. 992, 1016, et sequen. Vide also Franklyn, p. 796, et sequen ; Clarendon, and others.

\* Vide Burnet's Memoirs, p. 169, et sequen.



the discontents of the English—which were mightily strengthened by the success of the Scottish insurrection of the previous summer—had attained a pitch of consistency and force, which was extremely favourable to their northern neighbours, who were further encouraged by a forged promise of support, apparently by some of the most influential English nobility. And the issue of the first Session of the English Parliament contributed powerfully to promote the cause of insurrection in Scotland—the discontents and movements in both kingdoms naturally acting and reacting on each other as incentives to resistance to the “kingly way” of government, which Charles endeavoured, so unfortunately for himself and his country, to carry on. The King had urgently pleaded for supplies from his English subjects to carry on the war against the Scotch, whom he represented as bent on the utter subversion of the monarchy. But the English House of Commons would not grant any supplies without a previous redress of their own grievances; and, finding them inflexible on this point, he had again recourse to his former practice of dissolving the Parliament, on the 13th of April.

The embarrassments of Charles, in consequence of this sturdy refusal of his English subjects to support him, were infinite; and, resorting to all his accustomed modes of raising men and money for the impending war, these were only aggravated by the means which he adopted to supply the want of subsidies. His army had been completely dislocated and disbanded; and many who had joined his standard the previous year, were now marshalled in the ranks of opposition; while the general dissatisfaction of the country, rendered all his exertions, and the voluntary contributions of those who still adhered to and supported him, altogether inadequate to the exigency of his affairs.

The Scottish leaders, when they dissolved their army in June 1639, had taken the precaution to secure the future services of the veteran officers whom they had employed on that occasion, should those services be required; and the troops, though dispersed in their several localities, were warned to be in readiness for another muster, perhaps at no remote period. When the tocsin was again sounded, therefore, the Scottish army was speedily re-organized under their old commander, Leslie; and it was already re-established in a condition fit for action, while the King was struggling hopelessly with his financial difficulties and the discontents of his English subjects.

The 2d of June, to which the Scottish Parliament had been prorogued, at length arrived; and although another commission for a further prorogation to July was sent down, some technical difficulty in communicating it to the States, furnished a reason for this not being done; and they readily availed themselves of what was really a quibble, to disregard the commission for adjournment, and declared themselves a lawful Parliament, in which they proceeded to enact into laws, all the Bills which had

been introduced previous to the former prorogation. Ruthven, who commanded in Edinburgh Castle, and refused to surrender it, was forfeited, and a great Committee of Estates named, with sovereign authority to direct all matters civil and military. That Committee, as usual, opened diplomatic communications with the King through Lord Lanerick, the new Secretary for Scotland, to which it is needless to refer particularly, as these communications are given among the annexed documents; and, in short, the people of Scotland once more stood in an attitude of open hostility to their King.

While matters were in this position, and amidst general preparations for war, the 28th of July arrived, being the time appointed for the meeting of the General Assembly at Aberdeen. No Commissioner was appointed by the King; but, after waiting one day for a Commissiour, (should one have been named,) they proceeded, according to their own views of “the liberties of the Kirk,” to business: but did nothing that is worthy of remark at present. And here we pause in our introductory narrative, to be prosecuted with more spirit-stirring matter, when we reach the date at which it may be suitably resumed, postponing some of the earlier military operations, till we give them all in connection.

We shall, therefore, only further note that, previously to this meeting of Assembly, the seeds of disunion were sown in the Church by a miserable controversy among the Covenanters themselves, about private meetings for devotional purposes, which some of the leading men in the Church countenanced and others reprobated—a schism which was agitated at the Aberdeen Assembly, and at a future period increased, till the Presbyterian Church was divided into two furious factions, denouncing, excommunicating, and persecuting each other. For the nature and particulars of this schism, we refer to Baillie, in which these are given with his characteristic uaivete and frankness.\*

## THE PRINCIPALL ACTS

OF THE GENERALL ASSEMBLY CONVEENED AT ABERDENE, JULY 28, 1640.

Sess. II. 29. July 1640.

The Assembly having past the first day before they would make any Act in attending of His Majesties Commissioner.

This day the Moderator openly asked, in face of the Assembly, if there was any Commissioner come from His Majestie: And finding there was none, the Assembly proceeded according to their Liberties.

*Overtures given in by the Committee appointed by the last Assembly anent the ordering of the Assembly-house: Which being read in audience of the Assembly, they approved the same.*

I. THE Assembly finds it expedient for the ordering of the House in all time coming, that the Commissioners sit together unmixt, and that the

\* Vide Documents.



places where they sit be railed about, or some other way divided from the seats of others, and that places be provided without the bounds of the Commissioners seats to persons of respect, who are not Commissioners, and others according to their qualities, as the Magistrates of the Town shall find most convenient.

II. Also that the Commissioners, having received tickets from the Magistrates of the Burgh, at the delivery of their Commissions, whereby they may have ready access to the Assembly-house and place appointed for them, do keep the hour of meeting precisely, and whosoever comes after the time, or shall be found absent at the calling of the Rols, to be censured as the Assembly sees fitting: And whatsoever Presbyterie, Burgh, or Universitie, shall not send Commissioners, or Commissioners sent from them do not come at all to the Assembly, be summoned unto the next Assembly, and censured as the Assembly shall find reasonable.

III. That four persons of respect have warrant from the Assembly to injoyne that there be no standing, no din, nor disorderly behaviour: And if any shall disobey them, or direct his speech to any, except to the Moderator, and that one at once with leave first asked and given, to be rebuked publicly by the Moderator: and if he desist not, be removed out of the Assembly for that Session.

III. That no motion come in unto the Assembly but by the Committee appointed for matters of that nature; and if the Committee refuse to answer the same, let it be proponed to the Assembly with the reasons thereof.

V. That the minutes of ilk Session be read before their rising, and if the matter concerne the whole Kirk, let it be drawn up in forme and read in the beginning of the next ensuing Session, that the Assembly may judge whether or not it be according to their minde.

#### *Act anent the demolishing of Idolatrous Monuments.*

FORASMUCH as the Assembly is informed, that in divers places of this Kingdome, and specially in the North parts of the same, many Idolatrous Monuments, erected and made for Religious worship, are yet extant—Such as Crucifixes, Images of Christ, Mary, and Saints departed—ordaines the saids monuments to be taken down, demolished, and destroyed, and that with all convenient diligence: and that the care of this work shall be incumbent to the Presbyteries and Provinceall Assemblies within this Kingdome, and their Commissioners to report their diligence herein to the next Generall Assembly.

#### *Act against Witches and Charmers.*

THE Assembly ordaines all Ministers within the Kingdome, carefully to take notice of Charmers, Witches, and all such abusers of the people, and to urge the Acts of Parliament, to be execute against them: and that the Commissioners from the Assembly to the Parliament shall recommend to the said supreme judicatory, the care of the execution of the Lawes against such persons in the most behoovefull way.

Sess. V. Aug. 1, 1640.

#### *Act for Censuring Speakers against the Covenant.*

THE Assembly ordaines, that such as have subscribed the Covenant and speaks against the same, if he be a Minister, shall be deprived; and

if he continue so, being deprived, shall be excommunicate: and if he be any other man, shall be dealt with as perjured, and satisfie publicly for his perjury.

Sess. X. 5 Aug. 1640.

#### *Act against Expectants refusing to Subscribe the Covenant.*

THE Assembly ordaines, that if any Expectant shall refuse to subscribe the Covenant, he shall be declared uncapable of a Pedagogie, teaching of a School, reading at a Kirk, preaching within a Presbyterie, and shall not have libertie of residing within a Burgh, Universitie, or Colledge: and if they continue obstinate, to be proessed.

THE Generall Assembly appoints the next Assembly to be in S. Andrews, the third Tuesday of July 1641. And that the Moderator in a convenient way, by the Seeret Councell, or otherwise as may best serve, request the Kings Majestie to send his Commissioner to the said Assembly. And if any exigent fall out, that the Presbyterie of Edinburgh give advertisement for an Assembly *pro re nata*.

FINIS.

#### *INDEX of the PRINCIPALL ACTS of the ASSEMBLY at ABERDENE, 1640. Not printed.*

- 1.—Election of M. Andr. Ramsay Moderator.
- 2.—Act against profaning of the Sabbath.
- 3.—Act anent Charmers.
- 4.—Act renewing a former Act made against Priors and Abbots.
- 5.—Commission for attending the Parliament.
- 6.—Commission anent the Province of Rosse.
- 7.—Commis. anent the Presbyterie of Kirkwall.
- 8.—Act anent the Presbyterie-seat of Selkirk.
- 9.—Report of the Visitors of the Universitie of Glasgow, and a new Commission of Visitation of that University.
- 10.—Act anent the Carriage of Ministers.
- 11.—Act anent the ordering of Family Exercise.
- 12.—Act for Ruling Elders keeping of Presbyteries.
- 13.—Act anent Magistrates being Members of Kirk Session.
- 14.—Approbation of the proceedings of the Commissioners appointed to attend the preceding Parliament.
- 15.—Act anent abolishing Idolatrous Monuments.
- 16.—Act anent abolishing Idolatrous Monuments in and about Aberdene.
- 17.—The Report of the Visitors of the Universitie of Aberdene.
- 18.—Commission for visiting the Universitie of Aberdene.

#### *Miscellaneous Historical Documents.*

RELATIVE TO THE ECCLESIASTICAL AND POLITICAL EVENTS IN SCOTLAND—1639-40.

1639.—September 11.

#### *1. Discussion in Parliament as to the Large Declaration.\** Undeemo Septemb. 1639.

Anent the Supplication presented by the Assembly against the booke called the Large Declaration.

\* Minutes of Parliament, in Acts, vol. v., p. 256.



tionne, whair of Doctor Balcanquhall is challenged to be ane of the authors : The Commissioner represented that it is not expedient that this Supplicationne be presented in ane parliamentarie way ; because it tendis to the renewing of the remembrance of these troubles and the causes thereof, which heirtofoir vexed this Kingdome, and ar now to be buried in oblivionne ; and seing the said booke beirs inscriptione of His Sacred Majesties name, quhilk he will not disclaime, it aught to be handled with more reverence then to be challenged in any publick way, quhilk evidentlie rubbis with His Majesties honour, and can produce no better effect than ane answer to all assertiounes contrair to what is averred in the booke, and will frustrate the Petitioners of their intendit end. And, therefore, the Commissioners Grace desyred, that gif the Petitioners will goe on in this Supplicationne, they shall doe the same in that quiet, humble way, which may not trench upon His Majestie, bot will most readilie satisfie His Majestie, quhilk ought to be their first and maine desyre.

The Erles of Argyle and Rothes answered—That the said booke containes so many vntrewthis, that is so dishonourable to His Majestie and this haill nationne, and is so publick and dispersed through all the world, of purpose to incense neighbour nationes, and speciallie Ingland, against us, and to possess thaim with prejudices against their proceedings ; and, therefore, the Petitione aught to be presented in ane publick parliamentarie way, quhilk being legall and humble, cannot in reasone offend His Graceous Majestie.

The Commissioners Grace answered—That the publick way will rather oblige His Majestie to vindicate his honour by ane answer of mainteining that booke then procure any satisfactions from his Majestie ; because the King must ather mainteane that booke, gif it be challenged by ane publick way, or else acknowledge that he took armes upon unwarrantable grounds and false information, quhilk is so dishonourable, that no good subject can desyre or expect the same—and now, at this tyme, it is unfitt to renew the memorie of what is past upon ather side, but they are to be covered with ane act of oblivione.

The Estatis of Parliament being petitioned by the Assemblie to joyne with thame in supplicating His Majestie against ane booke intituled *A Large Declaration*, (which Supplicationne is registrat in the buikes of the Assemblie,) the Estatis humbly recommendis the same to the Commissioners Grace to be presented to his Majestie for obtaining graceouslie the desyre of the said Supplicationne ; and ordainis this to be inacted in Parliament, in thir same words, and in no other wayis.

1639 [40].—January 29.

2. *Letter from the Earl of Rothes to the Earl of Pembroke and Montgomery.\**

MY GOOD LORD,

I have large encouragement to use freedom, both from your own favours to me, and my affection to your Lordship, and so may expostulate with you for withdrawing your wonted (and even lately expressed) respects at the Camp to this Nation. You found we had reason for our lawful Defence, and that we had loyal Hearts to our Prince, and Justice in our Desires ; which moved you to plead for us, and so engaged the Affection of many to you. But sithence, when my Lord Traquair made his Relation, that

moved hard Conclusions against us, not requiring so much as that it should not obtain Truth to the prejudice of a Noble Nation, till we were heard ; and agreeing that an Army should be levied, and lending Monies, hath much grieved us, to be disappointed of one we so much trusted. I have therefore been bold to entreat that we may keep better Correspondency, or else by mistake we may be brought again to begin a Mischief that will not end in our days. As we have formerly declined it, so shall it not be our fault. And it lies in your Lordship, and in other great Persons, to prevent these Evils. You have lived in all great Ease, Peace, and Plenty for many years, as any Nation in the World ; and if you can like to interrupt your own Happiness for the pleasure of some Prelates, who will share little with the Hardships and Dangers that will be indured, you are not well advised. The Earl of Dumfermling, and Lord Loudon, are sent with a full information of our Bussiness. They will wait upon your Lordship, and expect your wonted Assistance. They all (as much as may be) decline War, except you will now needs have it. We hope your Lordship and others will make use of these Reasons for the right end, which will fix a great deal of Obligation from both Nations on you, and shall infinitely increase my respects, desiring to continue

Your Lordships most humble Servant,  
ROTHES.

Edenburg, Jan. 29, 1639. [40]

1639 [40].—March 2.

3. *Letter from the Marquis of Hamilton to Lord Lindsay, with Postscript by the King.\**

MY LORD,

I Received yours of February, wherein you endeavour to let me see the hazard that His Majesty may run, if he take not a peaceable Course with his Subjects of Scotland, which you say, I am reported to be no adviser of ; as likewise the unavoidable Ruine that will befall me, in case of my accepting of any Employment against them.

The Arguments that you use, are the Resolutions of your own people, and the assistance that you will have elsewhere, the particular way you forbear to write ; yet you say, that God hath provided it beyond your expectation ; and, as it was beyond your expectation, so it is still beyond my belief ; my Reasons you shall have anon. But first I will say somewhat concerning myself.

Know then, Brother, for a truth, that I heartily pray a Curse may follow him and his Posterity, that doth not endeavour and wish, that these unhappy Troubles may be composed in a fair and peaceable way. God, who knoweth the Secrets of all mens thoughts, can bear me record, with how much care, pains, and zeal I have endeavoured that ; and I promise you, I shall as faithfully continue in that Course, as ever man did, in any Resolution which was with reason grounded in his heart ; how few either believe, or know this, I care not, for I have laid my accompt long since, and am resolved on the worst that can befall me. And for your further satisfaction, know, that nothing can grieve me more in this World, than to be sent in any Hostile manner against my Friends, Kindred, and Country ; where at the best, though I may merit something from His Majesty, (to whose Goodness I owe much besides the Duty of a Subject) yet I shall never be

\* Rushworth, vol. iii., p. 983.

\* Burnet, p. 163.



called other than the destroyer of them; and what cause of Sorrow this will be to a kind-hearted Scotch-man, I leave to you to judge. Therefore I assure you, that if either my Industry, Intreaties, nay Prayers prevail, no such Charge will be imposed on me, my inclinations having always led me in this rather to follow your Advice, and absent my self, in case things come to the worst, than to accept of that Employment; though I must tell you, it may bring along with it His Majesties Displeasure, and so consequently certain Ruine. Yet I do intend to put that to the hazard, and if it happen, I will have the Vanity to say, it will neither prove advantageous to the Country, nor to those in it, who once did me the Honour to esteem me their Friend. To conclude this point, consider, if a Navy come, probably I must be miserable; for what can I gain by it? if employed, a Discontented Life ever hereafter. If the King should impose the Charge on me, and I refuse it, what the better would you be? an abler would be employed in it, and I need never look for His Majesties Favour thereafter, and without that in his Kingdom will I never live. If I had no other Reasons but these, (but I could write you fourty more,) consider if I have not cause to endeavour Peace, and believe me I will do it.

For the Danger that His Majesty will run if he enter into this War, I do acknowledge with you it may be great; but that certain Ruine must follow, I cannot confess: yet I must say, that his Gain will be but small, when he hath got that by Force which is his, or ought to be his already; but what remedy? He conceiveth a Kingdom to be lost, and two will be hazarded to regain that, if they continue in the Course they are in.

For the Assistance you mention God hath provided for you elsewhere, that is conceived to be used as an argument to fright us: For from whence can it come?

From a Party in England? Trust not to that, nor give credit to a few Factioned Spirits, with whom perhaps Correspondence may be kept.

From France? Reason and the knowledge of their Affairs make us confident, that no great matter can come from thence: Reason, for they will not assist the Rebels (for so you will be called) of a King for examples sake; and the necessity of their Affairs, for we know they have enough to do elsewhere.

From Sweden? Though they perhaps be willing, yet it is known they have not men to do it in these parts.

From Holland? The Body of that Estate hath by their Publick Ministers disallowed your Actions, and hath given assurance that they will be far from either giving Countenance or Assistance to you; what private men may doe by way of Stealth, is little regarded or to be esteemed.

Thus I freely write what is thought of the Assistance you are like to get from abroad, of which Opinion I shall still be, unless you can make it more clearly appear; therefore I will use the old Proverb to you, Beware that your stout Hearts make not your Heads dry a Gutter, and make you neglect the receiving of His Majesties Pleasure with all thankful Obedience, which, for any thing I know, nay I durst Swear, will be no other than stands with the true Protestant Religion and the Laws of the Kingdom. What pity is it then, that these mistakes should continue? but how much more will it be, that they should encrease to a Bloody War. If all amongst you would rightly consider what true Religion and Piety is, and lay that only before their Eyes, there are yet, not only good hopes, but certain assur-

ances of a peaceable Conclusion of those unhappy Troubles; and as you have advised me, so let me you, (which perhaps may be the last time, that on this Subject I shall write to you) endeavour Peace, which if gained, the effusion of much Christian Blood will be saved, the Country preserved, Scotchmen esteemed Valiant, Just, and Loyal, not only in this Kingdom, but through all Europe, and no man happier than

Your now much troubled,  
and affectionate Brother,

HAMILTON.

POSTSCRIPT.—For Answer to your Postscript, I am not in despair, but to bring it to a good pass if your own carriage do not marre it; for His Majesty is content to sign the Signature, but it is to remain in my hands, and not to be delivered except your Carriage do deserve it, as well as Crawfords, who knows not as yet, how far his Majesty hath condescended. This Letter is not fit to be long kept, therefore it will not be amiss it be burnt. Let me hear from you with the first occasion, and thereafter I care not how seldom, if matters come to the worst.

Since the writing of this, the Letter which Rothes wrote to the Chamberlain by Dumfermline was this day publicly read at Council-board, His Majesty being present: it hath produced contrary effects to what (I believe) he expected, for not only doth the Chamberlain swear that there is not one true word in it, but hath beseeched His Majesty, that Rothes may be called to an account for the traducing of him in so high a nature, (to use his own words) nay to make him, (if it were in his Power) appear to be a greater Traytor than himself. In a word, the whole Table was much scandalized with the Letter, and no wayes satisfied with the Writer of it, even though it had been all as he expressed.

I profess I have loved Rothes, and am sorry when any misfortune befalls him; and likewise I thought fit to mention this, that you may see what those of this Country will doe, when it comes to an issue; therefore I hope not only he, but the whole Country will take example by this, and grow wise while there is time.

*This Letter he carried to the King, and at the end of that Copy he retained, yet extant, His Majesty with his own hand wrote.*

I have perused this Letter, and have not only permitted, but commanded that it should be sent.

CHARLES R.

Whitehall, 2 March,  
1639 [40.]

1639 [40.]—March 8.

4. *Letter from the Earl of Pembroke to Rothes.\**

MY GOOD LORD,

The Civilities and good Respects which I placed upon you, at the time of my being in the Camp, you stile *Encouragements*, and insinuate them as Reasons why you may expostulate with me. Your Premises I allow you, but your Inference I return you again, as fuller of Sophistry and mean Designs, than of Truth or Reason.

First, I never allowed your Defence lawfully undertaken, by other Arms than by Petitions and Prayers unto your Master. I never found Loyalty in your Covenant, nor Duty in your taking up Arms. I never affirmed the Justice of your Cause; neither did I consider so much the Merit thereof,

\* Rushworth, vol. iii., p. 984.



as your unwarrantable and tumultuous disobedience therein unto the King, with the Vexation and Disturbance it brought upon the Nobility of this Kingdom. Neither was I in all this Commotion your Advocate for other reasons, than suffering my self to become a Mediator to his Majesty for your Peace and Forgiveness, moved thereunto by your frequent Protestations of paying all Duty and Loyalty to your Master's Commands.

If from hence you haply gained from me an easier Credulity than your mask'd Designs deserved at my hands, I know not why you should obtrude on me an Alteration of my Opinion, or a withdrawing of my (but conditional) Respects from you. Thus far an Answer to what concerns me.

And now, as a Counsellor of England, let me be bold to expostulate with you upon that which follows in your Letters.

How cometh it to pass that you should upbraid us, or expect from us, that we should not give credit to my Lord Traquair's Relation; that we did not mediate with the King to change his Resolution of sending forth an Army; and that we did not deny the King Loans of Money for his Service?

My Lord, These Enforcements perhaps as little become you, as it is certainly unlawful and undutiful in the Subjects of England to dispute it with their King. You may pretend Religion to be the sole Cause of your Grievance; but we believe it a woful Religion here, that hath thus devested itself of all Moral Duty and Civility. Nay, you go further, you threaten and fear us with a Mischief that will not end in our days; and boldly make it your own Act, to have declined it hitherto without Obligation to the Kings Merey at all. You tell us of Plenty, and Ease, and Happiness for many years enjoyed, and wonder we should expose all those to hazard for the pleasure of some few Prelates.

My Lord, These are Arguments for common People, and Men of broken Fancies to feed upon; but such Suggestions will not find nor make a Party here. Perhaps it may blow them into a Flame, whose Zeal already hath burnt up their Duty and conscionable Allegiance unto their Master.

To be short, as I never had a Correspondency of Bussiness with your Lordship, so your Letters have assured me it is dangerous to begin it. Yet for the Peace of both the Churches and Kingdoms, I will adventure to give you this Intelligence, That we have not (in our Council here) proceeded against you without deliberation, a good Conscience, and a just sense of Honour. Neither shall I, or any of us, be entreated or feared by you, or any of you, for contributing our Assents or Fortunes thereunto, but as our Master shall command us.

Lastly, Know you, my Lord of Rothcs, that the return of my old Friendship to you is to be expected, when I shall hear of your Renovation. Be simple, my Lord Rothcs, and not a Covenantcr, and I shall be the same.

P. & M.

Whitehall, March 8th,  
1639 [40.]

1640.—[Date uncertain.]

5. *Letter from the Covenanters to the King of France.\**

SIRE,

Vostre Majesté (estant l'asyle & sanetuaire des Princes & Estats affligéz) nous avons trouvé neccesaire d'envoyer ce Gentilhomme le Sieur de Colvil,

\* Rushworth, vol. iii., p. 1037.

pour représenter a V. M. la candeur & naiueté tant de nos actions & procedures, que de nos intentions, lesquelles nous desirons estre graveés & escrites à tout l'univers avec un ray du Soleil, aussy bien qu'a V. M. Nous vous Supplions doncques treshumblement (Sire) de luy adjouster foy & creance, & a tout ce qu'il dira de nostre part, touchant nous & nos affaires; estans tresasseurs (Sire) d'une assistance esgale a Vostre clemence accoustumée cydevant, & si souven monstrée a ceste Nation, laquelle ne cedera la gloire à autre queleconque d'estre eternellement,

Sire, de V. M.,

Les treshumbles, & tresobeyssants, & tresaffectionés serviteurs,

Rothcs, Montrose, Lesly, Marre,  
Montgomery, Loudoun, Forrester.

*Englised thus :—*

SIR,

Your Majesty being the Refuge and Sanctuary of afflicted Princes and States, we have found it necessary to send this Gentleman Mr Colvil, to represent unto your Majesty the candour and ingenuity, as well of our Actions and Proceedings, as of our Intentions, which we desire to be engraved and written to the whole World with a Beam of the Sun, as well as to your Majesty. We, therefore, most humbly beseech you (Sir) to give faith and credit to him, and to all that he shall say on our part, touching us and our Affairs; being most assured (Sir) of an Assistance equal to your wonted Clemency heretofore, and so often shewed to this Nation, which will not yield the Glory to any other whatsoever, to be eternally,

Sir,

Your Majesty's most humble, most obedient,  
and most affectionate Servants,

Rothcs, Montrose, Lesly, Marre,  
Montgomery, Loudoun, Forrester.

1640.—June 17.

6. *Letter from Committee of the Scottish Parliament to the Earl of Lanerick.\**

RIGHT HONOURABLE,

It is not unknown to your Lordship with what difficulties this Kingdom hath wrastled this time past, in asserting their Religion and Liberties against the dealings of bad Instruments with his Majesty to the contrary. The means which they have used, have been no other but such as they humbly petitioned and obtained from his Majesty—a free National Assembly and Parliament. The Assembly went on in a fair way, and was closed with the liking and full consent of his Majesties Commissioner; but the Parliament Indicted by his Majesty was prorogated, till the Reasons of the Demands of the Estates were rendered to his Majesty; which having done by their Commissioners, they kept the second of June (the day appointed by his Majesty) for the sitting of the Parliament; and after diligent Enquiry, hearing nothing from his Majesty nor his Commissioner, neither by their own Commissioners or any others sent from his Majesty, which might hinder the Parliament to proceed to the settling of their Religion and Liberties, after mature deliberation, and long waiting for some signification of his Majesties pleasure, they

\* Rushworth, vol. iii., p. 1210.



have all, with one consent, resolved upon certain Acts, which they have adjudged to be most Necessary and Conduible for his Majesties Honour and the Peace of the Kingdom, so far endangered by delays; and have committed to us the Trust to shew you so much, and withal to send a just Copy of the Acts, that by your Lordship (his Majesties Principal Secretary of Scotland) they may be presented to his Majesty. The Declaration prefixed to the particular Acts, and the Petition in the End, contain so full expressions of the Warrants of the Proceedings of the Estates, and of their humble continued desires, that no word needs to be added by us. We do, therefore, in their name, (according to the Trust committed to us,) desire your Lordship (all other wayes of Information being stopt) with the Presenting of the Acts of Parliament, to represent unto his Majesty against all suspicions, suggestions, and tentations to the contrary, the constant love and loyalty of this Kingdom unto his Majesties Royal Authority and Person, as their Native King and kindly Monarch: And that they are seeking nothing but the Establishing of their Religion and Liberties under his Majesties Government, that they may still be a free Kingdom, to do his Majesty all the honour and service that becometh humble Subjects; that their Extremity is greater, through the Hostility and Violence threatned by Arms, and already done to them in their Persons and Goods, by Castles within and Ships without the Kingdom, than they can longer endure: And that, as his Majesty loveth his own Honour and the Weal of this his Antient Kingdom, speedy course may be taken for their relief and quietness; and that if this their Faithful Remonstrance (to which, as the Great Council of the Kingdom, they found themselves bound at this time for their Exoneration) be passed over in silence, or answered with delays, they must prepare and provide for their own defence and safety. We are very hopeful that your Lordship (as a good Patriot, and according to the obligation of your place) will not be deficient in that duty for your Native Countrey, and send us a speedy Answer, as we shall in every duty be careful at all occasions to shew our selves.

Your Lordships humble Servants,

<i>Signed,</i>	Balnerino,	George Dundas,
	Burghly,	John Smith,
	Napier,	Ed. Egger,
	Thomas Hop,	Thomas Patterson,
	John Murray,	Ja. Sword.
	John Hamilton,	

1640.—June 26.

7. *Terms of Agreement on which Lord Lowdon was liberated from the Tower of London.\**

I. The Lord Lowdon doth promise to contribute his faithful and uttermost Endeavours for his Majesties Service, and furthering of a happy Peace, and shall with all possible diligence and care go about the same, and shall labour that His Majesties Subjects of Scotland may in all humility petition, that His Majesty may be Graciously pleased to authorize a Commissioner with full Power from His Majesty to establish the Religion and Liberty of that His Majesties Native and Ancient Kingdom according to the Articles of Pacification, and that by a new Convening or Session of the Parliament, without cohesion or dependence on what hath been done

by themselves, without His Majesties Presence, or of a Commissioner to represent His Majesties Royal Person and Power.

II. That if there be not an Army already convened in Scotland in a Body, he shall endeavour that they shall not convene, nor come together during the time of Treaty, in hope of Accommodation; and if they be already convened in a Body before his return, he will labour that they may dissolve and return to their several Shires, or dispose so of them, that they remain not in one Body, as may best evince that they intend not to come into England; but may carry themselves in that respective way, as may best testify their Duty to His Majesty, and their Desires of Peace.

III. That if General Ruthven shall happen to become their prisoner, they may (as a testimony of their desire to shun every thing which may provoke His Majesties displeasure) preserve him, and that the Lord Lowdon will shew how far he is engaged for his Safety.

IV. That when Affairs shall be brought to a Treaty in Parliament, and that His Majesty shall be Graciously pleased to settle the Religion and Liberties of the Kingdom according to the Articles of Pacification, he will endeavour that the Kings Authority shall not be entrenched upon, nor diminished, that they may give a real demonstration to the World, how tender and careful they are, that His Majesties Royal Power may be preserved both in Church and State.

V. That what is done or imparted to the Lord Lowdon concerning His Majesties Pleasure shall be kept secret, and not revealed to any here, further than His Majesty shall think expedient.

That the Lord Lowdon shall (as soon as conveniently he can) return an account of his Diligence.

[There was given with this another Paper, which follows.]

*Memorandum of what passed betwixt the Marquis of Hamilton and me, 26 June 1640.*

I. Because no great matters can be well effectuated without Trust, Fidelity, and Seerecy; therefore it is fit that we swear Fidelity and Seerecy to others, and that I shall faithfully contribute my best Endeavours for performance of what I undertake; and that my Lord Marquis doe the like to me.

II. Our desires and designs do tend mainly for Preservation of Religion, Laws, and Liberties of the Kingdom, the Kings Honour, and of His Royal Authority, and for establishing of a happy Peace, and preventing of Wars; and we are to advise and resolve upon such ways and means as may best conduce for these ends.

III. If (after using of our utmost Endeavours) it be not Gods will that we may be so happy as to obtain such a Peace in haste, as may content the King and satisfie his Subjects, till differences draw to a greater height, and beginning of Wars, to resolve what is fit to be done in case of such an Extremity, for attaining a wished Peace, and to condescend what course we shall take for keeping of Correspondence.

If my Endeavours and Service (which doubtless will put me to a great deal of expence and pains) shall prove useful for His Majesties Service and Honour, and the Good of the Kingdom, which are inseparable, the Marquis will intercede really, and imploy his best Endeavours with the King, to acknowledge and recompence the Lord Lowdon's Travels and Service in such a manner as a Gracious King and Master should doe to a diligent and faithful Servant.

\* Burnet, p. 170.



1640.—June 27.

8. *The Earl of Lanerick's Answer to the Committee.\**

MY LORDS,

By my former of the date of the 23d of June, his Majesty was pleased to promise by me, to let you know within few dayes his further pleasure concerning those proceedings and desires of the Noble-men, and Barons, and Burgesses, which you sent me to be presented to his Majesty; whereupon he hath now commanded me to tell you, that the Not Proroguing of the Parliament in a Legal and Formal way, was not for want of elcar Instructions, and of full and ample Power from his Majesty, he having fully signified his pleasure to those whom he did entrust with the executing thereof, not thinking it fit to employ other Servants of greater Eminence, by reason of the disorders and Iniquities of the times: and as forced by the importance of his other great and weightie affairs, he was necessitated to Prorogue the Parliament for some few dayes, so did he most really intend to perform, at the time prefixed, whatsoever he had promised by the Act of Pacification; but neither can the neglect of his servants, (if any be,) nor those other Reasons alledged by the foresaid Noble-men, Barons, and Burgesses, in their Declaration for their sitting, satisfie his Majesty for their proceeding in a Parliamentary way; since, by the Duty and Allegiance of Subjects, they are bound to acknowledge, in a most special manner, his Transcendent Power in Parliaments. And if Subjects there do assume the Power of making Laws, and rescinding those already made, what Act can be done more Derogatory to that Regal Power and Authority we are all sworn to maintain? Therefore his Majesty conceives, they cannot in reason expect he can interpose his Royal Authority to these, or any other Acts whatsoever, whereto neither he in his own real Person, nor by his Commissioner, did assist. Yet such is his Majesties Clemency, that when they shall take such an humble and dutiful way, as may witness that they are as careful and tender of his Majesties Royal Power, as they are desirous of his Approbation, then shall it be time for them to expect such a Gracious and Just Answer, as may testifie his Majesties Fatherly Compassion of that his Native Kingdom, and his Pious and Princely care of performing whatsoever is necessary for Establishing their Religion and Laws. So thus, having imparted unto you all that was enjoined me by his Majesty, I shall say no more from my self, but I am

Your Lordships humble Servant,

LANERICK.

White-Hall, June 27, 1640.

1640.—July 7.

9. *Reply by the Committee to Lanerick.†*

MY LORD,

We received your Lordships Letter of the twenty seventh of June from the Lord Lowdon, whose Relief out of Prison gives us occasion (before we answer your Lordships Letter) to acknowledge the same as an Act of his Majesties Royal Justice and Goodness, although the pretended Cause of his Imprisonment was but a Malicious Calumny of the Enemies of the Kings Honour and our Peace, forged to engage both his Majesties Kingdoms in a National War. As we cannot but regret that any Neglect of his Majesties Officers, or absence of his

Commissioner, whose presence we did both desire and expect, should hinder the interposing of his Royal Authority to these Acts of Parliament, which were found most necessary for establishing Religion and the Peace of this Kingdom, and which, according to the Acts of Pacification, his Majesty was Graciously pleased to promise; so we have and shall still endeavour to give demonstration of that tender respect we have of his Majesties Honour and Royal Power. And whereas your Lordships Letter doth imply, that we should take some other way for the more easie obtaining of his Majesties Approbation, which also, by several reasons, hath been most instantly pressed by the Lord Lowdon; yet we conceive that Parliamentary way which was taken by the Estates convened by his Majesties Special Warrant, to have been most Legal and Necessary, and no wayes Derogatory to his Majesties Power in Parliament, nor contrary to the Duty of good Subjects, who are warranted by the Articles of Pacification under his Majesties hand, to Determine all Civil Questions, Ratifie the Conclusions of the Assembly, and remove the present Distractions of this Kingdom, as is more abundantly demonstrated by their Declaration in Parliament hereabout; so that we dare not take any other course, which may entrench upon their Parliamentary Power or Proceedings, nor will we (being so few in number appointed to stay here) presume of our selves, in a matter of so great moment, to return a more full and particular Answer, till there be a more frequent meeting of those appointed by Parliament, which will be shortly; and then your Lordship shall be acquainted, that you may shew his Majesty their resolutions and humble desires; and we shall remain

Your Lordships Affectionate Friends  
and Servants,

<i>Signed,</i>	Lindsay,	G. Dunglass,
	Balmerino,	Ja. Sword,
	Burghly,	J. Forbes,
	Napier,	Ed. Eggar.
	J. Murray,	

Edinburgh, July 7, 1640.

1640.

10. *Principal Baillie's Account of the Aberdeen Assembly, in a Letter to the Rev. William Spang.\**

Our assembly at Aberdeen was kept with great

\* Baillie's Letters, vol. i., p. 195.—A great number of Baillie's Letters, relative to the troubles in Scotland, were addressed to Mr Spang, a Scotch Presbyterian minister at Campvere in Holland; and from these and other materials, that learned person afterwards compiled a work in Latin for the information of foreigners which is thus titled:—"Rerum nuper in Regno Scotiæ gestarum Historia, seu verius Commentarius, causas, occasiones, progressus horum motuum, breviter et perspicue proponens, simul cum synopsi concordie, quantum haec inchoata est.—Excerptus ex scriptis intrinseque partis scitu dignissimis, quorum primaria in Latinum sermonem nunc primum fideliter translata inseruntur, &c.—Per IRI-NÆVM PHILALETHEN, Eleutherium.—Dantisei, Anno Domini 1641." There is a copy of this work in the Theological Library, Edinburgh.

By an Act of Assembly 1641, the Scotch church at Campvere was brought into connection with the Church of Scotland, and the Kirk Session thereof authorized to send its minister and a ruling-elder to the General Assembly. This connection continued long after, till that branch of the Scottish Church was swept away in the French revolutionary war, since which it has not been renewed, although that church has been revived.

\* Rushworth, vol. iii., p. 1212. † Ibid, 1213.



peace. We found a great averseness, in the hearts of many, from our course, albeit little in countenance. D. Sibbald, Forbes, and Scroggie, were resolved to suffer martyrdom before they subscribed anything concerning Episcopacy and Perth articles; but we resolved to speak nothing to them of these matters, but of far other purposes. We found them irresolute about the canons of Dort, as things they had never seen, or at least considered. They could say nothing against any clause of the book of canons, liturgy, ordination, high commission. D. Forbes's treatises, full of a number of Popish tenets, and intending directly reconciliation with Rome, farther than either Montacute, or Spalato, or any I ever saw among their hands, and the hands of their young students, together with a treatise of Bishop Wedderburn's, and an English priest, Barnesius, all for reconciliation. D. Sibbald, in many points of doctrine, we found very corrupt; for the which we deposed him, and ordained him, without quick satisfaction, to be processed. The man was there of great fame. It was laid upon poor me to be all their examiner, and moderator to their process. Dr Scroggie, an old man, not very corrupt, yet perverse in the covenant and service book. D. Forbes's ingenuity pleased us so well, that we have given him yet time for advisement. Poor Barron, otherwise an ornament of our nation, we find has been much in *in multis* the Canterburian way. Great knavery and direct intercourse with his Grace we found among them, and yet all was hid from us that they could. I got my cause delayed to the next general assembly; yet Mr Robert Ramsay was ordained to transport to Glasgow, and Mr Andrew Cant to Aberdeen, sore against his mind; his patron Lothian will vehemently oppose it. Their violent transportations will at once offend many. I am like to be more than boasted with a divinity-profession in Aberdeen. The work is so far mistaken. Better for me to be dumb or dead than so far miserable. Much of our ten days sitting spent in causes of transportations, and plantations of churches, where patrons, presbyteries, and people had their contests. All which came before us were at last peaceably settled. Many good overtures were made, which ye will see at once in print. That which troubled us most was a passage of Mr Henry Guthrie's, which, because it may be the occasion of farther din, I will relate to you particularly, so far as I understand. Our countrymen in Ireland, being pressed there by the bishops to countenance the liturgy and all the ceremonies, did abstain from the public worship, and in private, among themselves, their ministers being all banished, did, in that time and place of persecution, comfort themselves with prayer and reading, and other exercises of religion, whiles in the night, whiles in the day, as they had occasion. Sundry of them intending a voyage to New England, inclined towards the discipline of these churches; yea, some Brownists, insinuating themselves among them whileas their ministers were away, did move divers towards their conceits. The most of thir good people flying over to us, were heartily embraced of us all. Their private meetings were overlooked. Some of their conceits, though they were spreading, we let alone, till the Laird of Leckie, one who had suffered much by the bishops, was marked, using his Irish form of private exercises in Stirling, and in his prayers, some expressions which were prejudicial to Mr Harry Guthrie, minister of the said town, and other ministers of the land, who did not affect their ways. At once Mr Harry, with the brethren of that presbytery, and magistrates of that town, did begin

with vehemency, and some violence, to suppress these private meetings; and to point out in very black letters all the singularities they knew or heard of in Leckie, or these who affected their ways. They, on the other side, failed not to render to Mr Harry and the brethren the like. The last assembly of Edinburgh were perplexed with this matter. Mr Harry made very loud complaints of their novations, both in word and writ. Sundry being conscious what in divers parts of the country was broaching, was in some fear. Divers of our chief ministers tendering very much the credit of these very pious people, were loth that anything concerning them should come in publick. We had sundry private meetings with the chief that were thought to incline that way. Mr Henderson vented himself at many occasions, passionately opposite to these conceits. We found among ourselves great harmony of judgement; yea, Leckie declaring his mind in a writ, was found to differ nothing considerable from us. Once we agreed for the framing of an act for the preveening of such questions. Both sides laid it on me to form it. All were pleased with the draught, only one not liking my conclusion of precise discharging of all novations till in a general assembly they were allowed, persuaded to leave off making of an act, lest our adversaries should triumph in our so hasty disputations, if not divisions; and did assure, by quiet dealing, to smother all farther reasoning of such purposes: only we concluded, for satisfaction of all, that Mr Harry should preach for advancement of religious exercises in every family, and Mr Robert Blair, Mr John Maclellan, Mr John Livingston, against night meetings, and other abuses which were complained of. Mr Blair, in his sermon, did not so much cry down these meetings as was expected, wherefore Mr Guthrie refused to preach at all. Some citizens of Edinburgh declared themselves not well satisfied with Mr Henderson's zeal against their practice. One Livingston, a trafficker with the English who were affected to our reformation, but withal to the discipline of New England, in his letters to his friends abroad, did write very spitefully of Mr Henderson. This being intercepted, did grieve, not only the man himself, but us all, of all ranks, who had found him the powerful instrument of God, fitted expressly much above all other, to be a blessing to our church, in this most dangerous season. For preveening of all farther inconvenience, it was thought meet to press, in all the kingdom, religious exercises in families, according to a draught which Mr Henderson, with the unanimous consent of all, gave out in print. This family worship was expected a sufficient remedy against the feared evils of other private meetings. But when it was not found so, these that would have kept on foot amongst us some of the Irish novations, foreseeing their severe condemnation by the ensuing general assembly, thought good to flee from that discreditable stroke, and drew together in Edinburgh, in time of the parliament, to a privy conference. On the one side, Mr Henderson and Mr Eleazar Borthwick; on the other, Mr Blair and Mr Dickson; these four agreed on a paper of caveats, limiting these private meetings; which being opened to the rest of the brethren there convened, did please all. The report of this gladd all the land, hoping that these disputations had been at a point. I heard no more of them till the synod, at the beginning whereof, as the custom is, a list being given up for preaching in the town, Mr Guthrie was one. He finding himself, as he avowed, indisposed in body, and unable without more books and leisure than there he could



have, and unwilling, since the provost of the town required he should be heard, having, as he heard, a mind to get him transported to that town, refused peremptorily to preach at all, and that with some words of headiness more than it became to us, in the face of an assembly; those who bare him at small good will, finding him in this snare, whether to punish him for bygone businesses, or to dash him for attempting in that assembly any farther matter about Leckie's meetings, which they suspected was his main errand to that place, urged straitly the publick censure of his presumption. When he was removed, all those who had relation to the Irish business, lighted so sharply upon him, that many did think their censure was not so much for his present behaviour, as for some bygone quarrels. He took the moderator's reproof submissively enough; but whether on that irritation, or preceding resolution, he set himself with all earnestness to have these matters concluded in the assembly, which some of us were afraid so much as publickly to name. Privately he had solicited the whole northern ministers and elders, putting them in a great vehemency against all these things he complained of. It was one of my overtures for ordering the house at the beginning of the assembly, that no motion should come in publick, till first it was considered in private by the committee appointed for things of that nature whereof it was, unless the committee refused to receive it. Whereby Mr Harry his first motion in publick, though he had alledged it had been propounded by him to the committee of overtures and not received, was remitted again to the committee. By this means he was holden off some days; but by no means could be gotten diverted from proposing these questions, which we were afraid should trouble us all. Account was taken of all the commissioners of the kingdom, in the face of the assembly, of settling of family exercise in ilk house of their presbytery; it was avowed to be everywhere pretty well advanced; but this was not water for the fire in hand. It was the advice of the committee, to propose Mr Henderson's paper before Mr Harry was heard. This advice, in my mind, was wholesome; for likely all would have applauded to that paper, and no more needed for the settling of these questions; but some, whether because they were loth, though privily they assented to that paper, that yet it should go on in a publick act, or being varied with a clean contrair spait, were wilful to have Mr Harry to vent himself in publick, to the uttermost of his passions, would not let the committee determine any thing in that affair. Mr Harry being permitted at last to speak in the assembly, a long discourse proclaimed what he was able to say of Leckie, and those meetings. Truly he uttered many things very odious, if true. Mr James Simpson of Bathgate shewed also many scandalous things of that sort of people. A commissioner from Galloway declared a number of uncouth passages, reflecting on Mr Samuel Rutherford, Mr John Livingstone, and Mr Maclellan. Presently all went to a heat and confused din; the whole north, especially the Earl of Seaforth, a well-spoken man, but whose honesty in our cause ever has been much suspected, passionately siding with Mr Harry; some others fretting to hear pious people so shamefully, as they thought, calumniated. In the midst of this clamour, I took leave, sharply to regret that we did rush in a greater evil than any was complained of: the confused disorder of a general assembly was the spoiling of the only remedy of that and all other diseases; but no possibility of order and silence. The moderator had neither

weight in his discourse, nor dexterity in guiding. We missed much Mr Henderson, or some of our respected nobles. At last the confusion ended in a committee for the preparing of overtures to remeid these evils. The committee was for the most part of men at Mr Harry's devotion. After much jangling and repetition, with many evils, of odious, whether true or fabulous, narrations, sundry of us inclined to have that forenamed paper passed in an act. But my Lord Seaforth, and Mr Harry, by no means could hear of that motion. They told ever, that caveats brought in the bishops; that this paper, though never so full of limitations, would be at least introductive of the thing limited. Mr Rutherford all the while was dumb; only, in the midst of this jangling, he cast in a syllogism, and required them all to answer it. "What scripture does warrant, an assembly may not discharge; but privy meetings for exercises of religion, scripture warrants, James v. 16. *Confess your faults one to another, and pray one for another*; Mal. iii. 16. *Then they that feared the Lord, spake often one to another, &c.*: Ergo, thir things could not be done in publick meetings." A number greedily haunshd at the argument, Mr Andrew Ramsay, Mr J. Adamson, and others; but came not near the matter, let be to answer formally. Mr Harry and Seaforth would not have Mr Samuel to trouble us with his logick syllogisms. The truth is, as I conceive, Mr Harry intended to have all meetings private *simpliciter* abolished; also Mr Rutherford I know, in a treatise, defended the lawfulness of those meetings in greater numbers, and for moe purposes than yet we have heard practised; also Mr Dickson had written, and practised, and countenanced some things in these meetings, that now both of them finding the inconveniences, and seeing the great opposition they got from many good men, and especially by Mr Henderson, were content to pass from, at least to be silent of. We closed that night with this overture, That five of our number should draw up every one of us our conception, by way of act, to present to-morrow to the committee, Mr David, Mr Harry, Mr David Lindsay, Mr Alexander Peter, and I. In my act I strove, so cunningly as I could, to canvass Mr Henderson's paper shortly, with some of my own conceptions. I communicated it to the chief opposers of Mr Harry, Mr David Dickson, Mr Samuel Rutherford, William Rig, and others, and got them at last to acquiesce. When we came to the committee, all the five Acts were read: the question came betwixt mine and Harry's. Mine was liked by all; only Mr Harry misliked it, and conceived that under every word a dangerous serpent did lie. There was no remeid: his contentment was the contentment of the body of the assembly. Since he misliked my draught, I set myself to persuade that his draught might be accepted; for truly it had nothing that was controverted. It consisted of three articles. The 2d article was, That read prayers was not unlawful. Mr Dick did enlarge, that it should be lawful to read prayers both in private and publick. The 3d article was, That it should not be permitted to any to expone scripture to people, but only ministers, and expectants approved by Presbyteries. No man did contradict the 1st article, which was, That family-worship should be declared to be of persons of one family, not of divers. Here was all the question. I did declare publickly, oft without contradiction, that the meetings whereof he complained were not family-meetings, but another kind specially differing from the other; so that his article of family-meetings would never touch any abuse of these meetings, were they never



so many and foul. Yet because this was Mr Harry's own draught, and he alledged that the people with whom he had to do, did take their conventicles only for family exercises, he required no more than the declaration of the assembly, that family-meetings extended no farther than to persons of the same family. This, though no man could refuse, yet these that liked nothing that came from him, did question much more than they needed, and very violently urged to have, in that article, limitations which in my judgement were very needless, and did farther Mr Harry's design more than his own words. Always Mr Harry was made content to accept of one exception, which was the practice of people's flocking to their minister's family-exercise; but of any more exceptions he would not hear, and more they pressed upon an argument that did much amaze my mind, that except they got another conceit, they had a written protestation ready against that act of the synod; the thing that the devil was seeking, and would have been sweet pastime to that town of Aberdeen, and our small favourers in the north, who were greedily gazing on the event of that broil. Always at last the prayers of the land for God's blessing to that assembly prevailed, and in a moment God made the minds of these who differed to agree, to the great joy of all when they heard it. There was but five of us then in private, Mr Harry, Mr David, as parties, Belhelvie for Mr Harry, the moderator, and I, betwixt them. Mr David at last acquiesced to my request, to let Mr Harry's article pass as it stood; and Mr Harry, after once and again I had inculcate to him, that all his act was but a blephum if you put not in that clause you see it has against novations, was at last content to put it in; so with great difficulty, the act being agreed upon in private, and in the committee, when it came to be voted in the assembly it had no contrair voice. All of us did think that then the storm was close over and gone; yet when least we expected, it does blow up again as boisterously as ever. Some that were grieved and fretted that their purpose should have got so much way, desiring to have some order of him, did give in a writ, requiring, since so many vile abuses were in the assembly alledged to have been committed by Leckie, and others, in divers parts of the country, it were expedient that a committee were ordained for the trial and severe punishment of all these misorders; and that this committee should sit in Edinburgh, and consist of those whom the assembly had appointed commissioners for the parliament, with so many other as the assembly thought meet to join with them. This bill was read near the end of the synod by Mr James Bonner, moderator of the bills, as newly given to him, by whom he knew not. Upon the hearing of it, at once there arose such an heat and universal clamour, that it was marvellous. Mr John Maclellan was found the ingiver of it; while he began to be hissed at, Mr Andrew Cant, and Mr D. Dickson did speak for the reasonableness of it, and some few other ministers and gentlemen who had been on the council of it; but they were so overwhelmed with the multitude of criers, Away with it, Away with it, that they were forced to be silent and let it go. I much grieved to see the tumultuous disorder of our assembly; and had I been on Mr David's council, I would have dissuaded him to my power from such a motion, which, if it had been assented to, was like to have fired our church more than any other brand that Satan at this time, in all his wit, could have invented: so, by God's goodness, water was cast on that fire for the time: the embers yet seem to smoke; but we hope God will see to the peace of

our church, which is but a brand newly taken out of the fire, or rather yet in the midst of the flame of war and great danger.

#### 11. *Laud's Service Book, and the English Liturgy.\**

In addition to the objections which the Scots had to various parts of the English Liturgy, they complained of the following alterations made on it in Laud's Service Book, as savouring of Popery:—

1. In the order of the administration of the Lord's Supper, instead of the Rubrick in the English Liturgy—"The table, at the Communion time, having a fair white linen cloth upon it, shall stand *in the body of the church*, or in the chancel, where morning and evening prayer are appointed to be said"—Laud's Service Book has the following:—"The holy table having, at the communion time, a carpet, and a fair white linen cloth upon it, *with other decent furniture, meet for the high mysteries there to be celebrated*, shall stand at the uppermost part of the chancell or church, where the Presbyter, standing at the north side or end thereof, shall say," &c.

2. Having thus removed the Priest, as far as possible, out of the hearing of the people, (in conformity with the Romish rites,) the Service Book, in a second Rubrick, immediately before the consecration, orders him to turn his back to the people, which he must have done according to the following direction:—"Then the Presbyter, standing up, shall say the prayer of consecration, as followeth, *but then, during the time of consecration, he shall stand at such a part of the holy table, where he may, with the more ease and decency use both his hands.*"

3. They objected to the phrase *consecration*, which, though it appears in the modern editions of the English Liturgy, had no place in the edition used at that time in England; but their chief objection to the prayer of consecration, in Laud's book, was the following sentence, which never was allowed a place in the English Liturgy:—"We most humbly beseech thee, and of thy almighty goodness vouchsafe so to blesse and sanctifie, with thy word and holy spirit, these thy gifts and creatures of bread and wine, *that they may be unto us the body and blood of thy most dearly beloved Son.*"

4. After the prayer of *consecration*, there follows, in Laud's book, the prayer of *oblation*, which two prayers the Popish writers call the *heart* and the *head* of the mass, and both of which were carefully removed by the English Reformers, the former being altered, and the latter rendered innocent, by being placed as a thanksgiving after receiving the communion. In the Service Book, the oblation is replaced, under the title of a "Memoriall or Prayer of Oblation," beginning with, "We, thy humble servants do celebrate and make here before thy divine Majestic, with these thy holy gifts, the memoriall which thy Son hath willed us to make, and humbly beseeching thee, that whosoever shall be partakers of the holy communion, *may worthilie receive the most precious bodie and blood of thy Son, Jesus Christ*, and be fulfilled with thy grace and heavenly benediction, and made one bodie with him, that he may dwell in them and they in him." After this, the Lord's

\* It appears fitting to embody in this collection a brief statement of the discrepancies betwixt the *English* and the obnoxious *Scotch Service Books*, and to point out the resemblances which the latter had to the Popish missals. For this exposition we are indebted to a kind and learned friend, who is fully master of the subject.



prayer, which, in the English Liturgy, is not introduced till after the communion has been received, is brought in with the presumptuous preface of the missal, *Audemus dicere*—"We are bold to say."

5. What was formerly called "the holy table," and, in the English Liturgy, "the Lord's table," is now, after the consecration, in the Service Book, termed "God's board." "Then shall the Presbyter, kneeling down at *God's board*, say," &c.

6. In delivering the bread, the Minister is required, by the English Liturgy, to say—"The body of our Lord Jesus Christ, which was given for thee, preserve thy body and soul unto everlasting life. *Take and eat this in remembrance that Christ died for thee, and feed on him in thy heart, by faith with thanksgiving.*" This last sentence, added by the English Reformers to qualify and explain the former, is wholly omitted in Laud's book, which gives us merely the words of the missal—"The body of our Lord Jesus Christ, which was given for thee, preserve thy body and soul unto everlasting life." In like manner, when delivering the cup, the words "Drink this in remembrance that Christ's blood was shed for thee, and be thankful," are expunged from the Service Book, as savouring too much of Protestantism; and the Priest is simply required to "say this benediction—*The blood of our Lord Jesus Christ, which was shed for thee, preserve thy body and soul unto everlasting life.* Here the party receiving shall say, Amen."

7. The fair linen cloth, with which the elements are covered, after communicating, is called, in Laud's book, the "corporall."

8. Besides this, in the order for the communion, in Laud's Liturgy, the *Offertory*, which, it would appear, was almost wholly expunged, name and thing, from the ancient copies of the English Liturgy, as having been the Popish sacrifice for the quick and the dead, is introduced in nearly all its former glory. Passages of Scripture, omitted in the English book as identifying it with Jewish oblations, are restored; and it was strongly suspected, from the Commentaries of Couzins, who openly defended the practice, that prayers for the dead, and for the honour of the saints, were insinuated under such expressions as, "We also bless thy holy name for all those thy servants, who, having finished their course in faith, do now rest from their labours—all thy saints, who have been choice vessels of thy grace, and the lights of the world in their several generations—most humbly beseeching that, at the day of the general resurrection, we, and all they which are of the mystical body of thy Son, may be set on his right hand," &c., nothing like which is to be found in the corresponding prayer in the English Liturgy.

Various other objectionable points, in the Service Book of 1637, are noticed by Robert Baillie in his treatise "*Ladensium Autokatakrisis, the Cantaburgians Self-Conviction*," published without his name in 1640. But the same writer has treated the subject at greater length, and in a more learned and elaborate publication, entitled, "*A Parallel or brief Comparison betwixt our Scottish Booke and the Missal, the Breviarie, and other Popish ritnalls this day in use at Rome, according to the Canons of Trent*;" included in his MS. letters and journals, which are now being printed by the Bannatyne Club. It is needless to add, that the suspicions of the Covenanters, as to the intentions of Laud and his Clergy, in the construction of the Service Book, to bring the Church of England, as well that of Scotland, into closer conformity with the Church of Rome, were greatly strengthened by the publications and proceedings of the party in England, who were carrying matters such a length as to disgust

and alarm the rational and sober portion of the English Clergy. See, for example, Laud's Consecration of St Catherine Creed Church, which made a great noise at the time—Rushworth, vol. ii., p. 76. See also Bennet's Memorial of the Reformation, p. 165, and Neale's History of the Puritans.

THE

## GENERAL ASSEMBLY,

AT ST ANDREW'S AND EDINBURGH, 1641.

IN resuming our narrative of events connected with the Church of Scotland, we may state, that Wentworth, (created Earl of Strafford in the close of the preceding year,) was intrusted with the chief command of the King's forces to be employed against the Scotch; the Earl of Northumberland, who was named General, being in a state of health which did not admit of his taking the active charge of it. Strafford had acquired the confidence of the King, by his zealous and euergetic services in Ireland, and proved the sincerity of his devotion to his master's cause, by subscribing £20,000 to the fund for carrying on the war. Before advertng to the military movements of the English army, it may be proper to notice those of the Scottish, who, on this occasion, took steps in advance of their antagonists.

Early in the year 1640, (25th February,) a reinforcement of 300 men had been sent into Edinburgh Castle, with large stores of munitions for its defence, under General Ruthven, created Lord Ettrick. In May, however, the Scottish Estates having mustered their forces in sufficient number, beleaguered the Castle, and, in June and July, bombarded it with such effect as ultimately to force its surrender. About the same time, Argyle took the Castle of Airlie, and plundered all the tenantry on the lands of Lord Ogilvie; scoured Athol, and apprehended the Earl, and other leading men, whom he sent to prison; and levied most severe contributions: and Monro carried terror into the north, by taking prisoners a great number of persons disaffected to the Covenant at Aberdeen, and by other severities; including, among the prisoners, the Bishop of Moray, whose Castle of Spynie he seized and garrisoned. He also took Strathbogie Castle, plundered the Marquis of Huntley's lands fearfully, and, on the 2d of Aug., "he marches to Bauffe," says Balfour, "quher he playes the devill, and demolishes the Lord Banffes house, which wes both faire and staitly, and an ornament to that pairt of the Kiugdome."

Such were the preludes to the meeting of the General Assembly in the north, which sat from the 23th of July till the 5th of August 1640, in the midst of all these manifold desolations and ravages around them. Meanwhile, the main army of the Covenanters was mustering in Edinburgh, under old Leslie, as General; the Earl of Callander, Lieu-



tenant-General; Baillie, Major-General; Sir Alexander Hamilton, General of Artillery; and Colonel John Leslie, Quartermaster-General. Under the guidance of these commanders, and above a dozen of the Nobility and their sons, and many experienced officers, the Scottish army moved towards the Border. They returned to their old quarters at Dunse Law, and, after about three weeks' training and preparation, they crossed the Tweed on the 20th or 21st of August;\* thus deviating from their former tactics, and assuming the aggressive course. Balfour states it as consisting of 200 companies of foot, 4,000 cavalry, and 2,500 baggagers. We leave the pacific correspondence to be gleaned from the documents annexed, and follow briefly the military operations.

The van of the Covenanters was led by Montrose, who was the first to plunge into the river at Coldstream, at the head of his battalions—his secret alienation from the cause of the Covenant not having yet been discovered. In order to break the force of the current, and lessen its pressure on the infantry who waded it, Sir Thomas Hope, the King's Lord Advocate, at the head of the College of Justice troop of cavalry, passed the river a little above them; and, having forded the river in two columns, (one of them a little below the other,) the Scottish army entered England as open enemies of their King. They encamped that night at Hirslaw, whence, next morning, they marched southwards, and encamped on Misfield Moor, and in the adjacent villages. On the 22d of August, they marched to Middleton Haugh, near Wooller, where they were attacked by some of the King's troops from Berwick; but these were speedily repulsed, and some of them taken prisoners. Next day, (23d,) being a Sunday, they moved to Branton Field, after sermon; and, next day, encamped on a hill betwixt the new and old towns of Eglington or Eglintown. On the 25th, they marched from thence, and encamped at Nether Wotten—on the 26th, at Criech—and, on the 27th, at Newburn-upon-Tyne, about four miles west from Newcastle. It may here be noticed, that, on entering England, the Covenanters published certain "Considerations," in justification of their expedition.†

Not expecting, perhaps, such decisive courses as the Covenanters had now taken, the English levies were not yet fully prepared for the rencontre. In the month of July, the army was quartered chiefly in Yorkshire, on its route northward to Newcastle, where Lord Conway had his headquarters. On the 15th of August, that officer, who was General of the Cavalry, but at this time in the chief command, received intelligence of the intentions of the Scotch, and immediately wrote in great haste to Secretary Windebanke, warning the King of their certain approach.† On the 20th, the King set out hur-

riedly from London, in consequence of this information, and issued a proclamation the very day the Scotch had entered England, declaring that "all those of Scotland who have already entred, or hereafter shall presume to enter in an hostile manner into any part of the kingdom of England, and their adherents, assistants, and others, who shall supply them with money, &c., shall be adjudged traitors against his Majesty, his crown and dignity, and incur the penalties of high treason;" but declaring that he would forgive them if they would return to obedience, "and profeseth it before God and the world, as often formerly and in his late declaration he hath done, that he never did nor will hinder his subjects of Scotland from the enjoying of their religion and liberties, according to the ecclesiastical, civil, and municipal laws of that kingdom, and according to his promise and their desires, subscribed by themselves at the Pacification,"\* &c. This proclamation just left matters precisely as they stood, on a vague foundation, such as they were under the pacification of the last year, but gave no sanction, on the part of the King, to the sweeping enactments of the Estates in Scotland; and it had no effect.

On the 27th of August, the King, as well as Strafford, being then at York, exerting themselves to raise the requisite supplies of money, the latter dispatched a packet of instructions to Conway at Newcastle, the Scotch army being posted in its vicinity. Rushworth, the compiler of the *Historical Collections*, accompanied the courier who bore the packet, and he states that, on their arrival at Newcastle, they learnt that Conway had gone to the army near Newburn, whither they immediately went and found the General holding a Council of War with his Field Officers, about half a mile from the troops. On opening his dispatches, these contained orders to prepare the army for an engagement with the Scotch; and while the Council was in deliberation, a herald arrived "in all haste from the army, to acquaint the Lord Conway and Council of War, that the army was already engaged with the Scots, which seemed strange to them, because orders were given not to fight but upon the defence; but the Council of War suddenly broke up and hastened to the army."†

When the Scotch army reached Newburn, on the 27th, a drummer had been sent to the English cantonments with certain despatches, but was driven back with them before reaching Newcastle; and the same evening the Scotch pitched their tents on Heddon-Law, above Newburn, from whence there was a declivity towards the river. During the night, they set fires all around their camp, which gave it the appearance of a vast extent; and, during the same night, a part of the King's army, consisting of 3000 foot and 1500 horse, was drawn up in a meadow on the south side of the Tyne, called Newburn-Haugh, or Stella-Haugh, to oppose the

\* Rushworth says it was on Thursday the 20th—Balfour, Friday the 21st.

† Vide Documents.

\* Rushworth, vol. iii., p. 1221. † Ibid, p. 1236.



Scotch passing the river during the night. There were two breastworks raised by the English, opposite to the two fords which the Scotch might pass at low water; and in each of these sconces were 400 men, with four field pieces. During all that night and the following day, the English troops were under arms, guarding the passage of the river, until an engagement commenced in the following manner:—the Scotch, having the vantage position, could see from their heights the whole force and disposition of the English army, they planted cannon in Newburn church steeple, and their infantry in the church, houses, lanes, and hedges.

While the opposing hosts were thus watching each other, and preparing for the fray, the horses from both armies were watered in the river during the forenoon of the 28th, without molestation on either side. But a Scotch officer, well mounted, with a feather in his hat, having gone to the river to water his horse, an English soldier, who had noticed that the officer eyed the sconces, fired upon and wounded him. He fell from his horse; on which the Scotch Musqueteers opened a fire on the English, and speedily the artillery on both sides, as well as the musketry, was brought into full play.

The fight continued till the tide had ebbed, and the river was left fordable; and, by this time, the Scotch cannon had made a breach in one of the breastworks, and many of the English were killed. Finally, notwithstanding the utmost efforts of the English officers, the men threw down their arms and fled, being exhausted with unintermitted service all the day and previous night, under arms and in the battle. The Scotch commander, seeing from his height, this discomfiture of his antagonists at one point, ordered a forlorn party of twenty-six, being gentlemen of the College of Justice troop, to pass the river, which they did rapidly, their orders being to discover the plight of the other breast-work not yet silenced. But a brisk fire was kept up on it; and at length the English were compelled to retreat from it also; on which more cavalry, commanded by Sir Thomas Hope, and two regiments of foot, commanded by Lords Cranford-Lindsey and Loudoun, waded through the river. Simultaneously with this movement, Leslie opened a battery on the English cavalry, exposed to the range of his guns; and speedily a retreat was sounded. A portion of the cavalry attempted to cover the retreat up Ritan and Stella Banks; but the Scotch having now passed the ford in sufficient numbers, overpowered and took them prisoners. The loss in this skirmish was inconsiderable—only about sixty of the English having been killed, although, doubtless, many were wounded. The accounts, however, on this point do not agree.

The English army effected its retreat to Newcastle; and at midnight a council of war was held, when it was resolved that the whole army should retreat to Durham, which it did next morning (29th) at five o'clock, leaving Newcastle unprotected and

open to the Scotch troops. During the afternoon of that day, Douglas, Sheriff of Teviotdale, went with a trumpet and some troops of cavalry to the gates of Newcastle, demanding a surrender; and being threatened with some batteries of ordnance, the Mayor, after some parly, opened the gates. "Next day, being Sunday, fifteen [Scotch] Lords and Douglas came and dined with the Mayor—drank a health to the King—had their sermons that day by their own divines;" and on Monday, Leslie pitched his camp on Gateside hill, in the vicinity of Newcastle.\*

Having thus obtained decisive success in their first enterprise, and an advantageous position, the Scotch leaders availed themselves of their victory, but with moderation. They agreed for supplies, which they required, but gave money in part, and security for the balance. Their occupation of Newcastle, however, and the retreat of the King's army, produced the greatest consternation. Of the ten thousand persons employed in the coal mines, not a man was to be seen. Four or five hundred vessels, employed in the coal trade, either sailed from the river, or refrained from entering it, when they discovered the state of matters; and for several days all the shops were shut, and many families fled, leaving their houses and property at the mercy of the Scotch. The panic spread to Durham, where the shops were all shut, and not one house in ten was occupied by its possessors, who had fled for safety. The English army continued its retreat from Durham towards York. The Bishop and clergy of Durham, too, all fled; among whom was Dr Balcanquell, who had no desire, it is to be presumed, to experience the tender mercies of the Sheriff of Teviotdale and Lord Kirkcudbright, or the spiritual consolations of "Master Andro Cant."

The news of this defeat reached Strafford at Darlington the day after. He was on his way to join the army before any engagement should take place. But he now sent orders to the troops, in full retreat, to rally and concentrate in Yorkshire. The King had, at that time, reached Northallerton on his way to the army; but, on learning the unfortunate issue of the first conflict, he immediately returned to York; and next day Strafford issued an order to the soldiers to destroy all millstones on their retreat.

When the Royal army was mustered at York, it was found to amount to 17,383; and, on the 31st of August, the King issued a summons to all the Lords, spiritual and temporal, and other Nobles, to attend his Majesty at York, and, the same day, issued an order to the Earl of Cranford to engage a hundred Scotch officers in his service.

On the 4th of September, his Majesty received a Petition from the Commissioners of the late Parliament in Scotland, in a letter to the Earl of Lanerick, to which an answer was next day returned;† and,

\* Rushworth, vol. iii., p. 1238.

† Vide Doenments, p. 299.



on the 7th, a writ was issued summoning a council of the Peers at York, upon the 24th of the month.\* Upon the 8th, the Scotch Commissioners sent a second letter to Lanerick; and, on the 9th, they sent another to the Lord Mayor and Aldermen of London, setting forth the objects and purposes of their expedition; and, about the same time, the Earl of Essex and other Noblemen, and the Citizens of London, also applied, by petition, to his Majesty to call a Parliament, which last the Privy Council endeavoured, in vain, to quash. The purport of all these documents, will be most satisfactorily seen in the writings themselves;† and the result of the whole was, that the King appointed Commissioners to meet others from the Scotch at Rippon, to treat of peace, and called a Parliament for the 3d of November. The negotiations were afterwards transferred to London; and the combined movements of the English and Scottish malcontents ultimately ended in a great revolution throughout the British empire, of which it is difficult, even in later times, to predicate whether the evils or the benefits preponderated.

The negotiations at Rippon commenced on the 1st of October, and, on the 23d of that month, were transferred to London, that the English Noblemen might attend the Parliament summoned to meet there, in the beginning of November; and a cessation of hostilities was agreed on.‡ It is needless here to enumerate all the points of treaty, which were necessarily very numerous and complicated. From that affair, therefore, we turn, for a brief space, to the proceedings in the Long Parliament of England, which was opened by the King on the 3d of November, and in which, the discontented party having a preponderance, proceeded at once to the most decisive courses.

Strafford, by his energy and decision of character, although he had governed Ireland for eight years with great advantage to the State, became peculiarly obnoxious to the malcontents, English, Scottish, and Irish, by reason of his devotion to the King's service, and his high talents and vigour. Whenever, therefore, he appeared in London, a vehement and preconcerted attack was made upon him in the House of Commons, on the 11th of November. Pym led on the attack, imputing it to Strafford that he was one of the chief among those who had formed a deliberate plan for changing the form of Government, and subverting the ancient laws and liberties of the kingdom; and, after various elaborate invectives, it was moved that he should be immediately impeached for high treason. This motion was unanimously adopted, nor was even one man found who had the moral courage to utter a word in his defence. The impeachment was instantly voted and carried to the upper house, where Strafford, who had just entered, un-

aware of what had been secretly carried through in the other house, and who had come to London under a royal guarantee that the Parliament should not touch a hair of his head, was ordered into custody; and soon after Laud was similarly treated, and, with Strafford, sent to the Tower.

It belongs to the History of England to trace these and other proceedings of the Long Parliament to their issues; but one of the immediate effects was a close alliance betwixt the leaders of the Opposition and the Scottish Commissioners then in London, with whom they made common cause against the King and his supporters. Rothes, Loudoun, and other Scottish Statesmen, with an auxiliary force of clergymen, availed themselves of this alliance; and, while in London, busied themselves, not exclusively in effecting a favourable conclusion to the treaty, but in preaching and intriguing for the subversion of the English hierarchy and planting Presbytery in its stead; and they joined their moiety of accusations against Strafford and Laud, before the English Parliament, as incendiaries and prime causes of all their own grievances. They were not inattentive, however, to the business of their mission, and made various demands in the negotiations, of very considerable importance:—That the Acts of the late Parliament of Scotland should be ratified and published by the King; that public incendiaries, who had excited hostilities betwixt the two kingdoms, should be referred to the judgment of the respective Parliaments, and not afterwards exempted from the punishments which might be awarded; and these, with some subordinate matters about indemnification for losses, &c., constituted the particulars for which they contended. To these demands the King was, at length, (15th December,) constrained to yield by the necessity of his circumstances; and thus his favourite Episcopacy was not only overthrown in Scotland, but shaken to its foundation in England; the royal prerogatives were virtually relinquished; and the whole power of the State vested in the democratic oligarchies of both kingdoms, under the guidance of aristocratical leaders; and every man who had hazarded life and fortune in what he deemed a loyal adherence to his Sovereign, was thus delivered over to the arbitrary power of these semi-republican Conventions. Among other boons conferred on the Scottish by the English Parliament, was the sum of £300,000 for “brotherly assistance”—a subsidy which was by many understood, not merely as an indemnification for the expense of their expeditions, but as a consideration for similar instances of fraternal aid, should the malcontent party in England require it on some future occasion.\*

The final pacification, however, was not concluded till the 7th of August, 1641, when both armies were immediately disbanded; but during the dependence of the treaty, the General Assembly, of the year 1641, met at St Andrew's, on Tuesday the 20th of

\* Rushworth, vol. iii., p. 1257.

† Ibid, p. 1276, 1277–1282.

‡ Vide Documents, p. 302.

\* Rushworth, Baillie, *passim*.



July—John Earle of Weymes being the King's Commissioner. A deputation from the Parliament having craved that its sittings should be transferred to Edinburgh, their request was complied with; and an adjournment to that city, where its next sederunt was appointed to be held on the 27th, took place. At the adjourned meeting, Mr Alexander Henderson was once more chosen Moderator.

We may just remark, that, during the protracted negotiations now alluded to, the Scottish Commissioners and Ministers, in the most indecent manner, exerted themselves to overthrow the Church of England. Henderson and Gillespie wrote and published tracts against it. They openly approved of what was called the "Root and Branch Petition" of the English nonconformists, and went the length of presenting to the King a paper, in which they demanded "unity of religion and uniformity of Church government"—in other words, the adoption of the Presbyterian Covenant, and the coercive edicts for its adoption; thus violating their duty as negotiators for the affairs of Scotland only, and invading the rights and privileges of an independent nation; fostering the spirit of intolerance and revolution; and propelling the movement in which the Throne and both the Protestant Churches were, for many sad years, involved in one common ruin.

This intrusion, by the Scotch Covenanters, into the internal affairs of England, and their zealous exertions for the overthrow of its ecclesiastical establishment, and the destruction of Strafford and Laud, is one part of their conduct of which we have never seen any tenable defence, and which, on every sound principle of international law, was altogether unwarrantable, and incapable of justification. Whatever be the relative merits of Episcopacy and Presbytery, whatever the misdemeanours of Strafford, of Laud, or of other English counsellors of the King—these were matters with which the Scottish Commissioners, in their diplomatic character as the ambassadors of Scotland, had no earthly warrant to intermeddle. Strafford and Laud were the sworn Privy Counsellors of England; and whether the advice they gave in that capacity, or the services which they rendered to the King, were, in the opinion of these Scotchmen, right or wrong—they were responsible only to their Sovereign, and not amenable to the English Parliament at the instance of any knot of foreigners, who had no title, under any theory of the law of nations ever yet recognised, to impeach men in such circumstances. The whole proceedings against Strafford were an utter disgrace to the Parliament of England. He was not accused of any single offence which subjected him, under the well-defined law of England, to the penalties of high treason, wherewithal a bill of attainder charged him; and the first principles of all civilized jurisprudence were grossly outraged in the judgment by which, although each item of imputed offence was found insufficient, yet, by accumulating them all, they were construed to amount to that crime. But

Strafford was a doomed man; the first victim of that reign of terror which thus commenced—consigning to the scaffold a brave, loyal, and splendid man, in violation of every principle of universal as well as of municipal law—robbing the monarch of his brightest attribute—and plunging the two kingdoms into the vortex of a fierce democracy, which henceforward filled the land with tyranny and hypocrisy under the mask of Religion and Liberty. In the guilt of that foul judicial murder, the leaders of the Scotch Covenanters were deeply implicated; and we record the fact with shame and sorrow, upon grounds of historical evidence which we believe cannot be shaken.

Before reprinting the Acts of Assembly 1641, it may be proper to note, cursorily, the general proceedings of the previous year, which either do not appear at all, or but partially, in the printed Acts of that Assembly.

1. The greater part of the Assembly's time was occupied in the transportation of ministers, about which the patrons, presbyteries, and parishes had many keen contests. Amongst others, Andro Cant was removed from Newbottle to Aberdeen, and Robert Ramsay to Glasgow.

2. Rigorous proceedings were adopted against the Aberdeen Doctors who had repudiated the Covenant. Dr Sibbald was deposed for alleged heterodoxy and contumacy, and was ordained to be further proceeded against, if he did not give speedy satisfaction. Doctors Forbes and Seroggie were found guilty of Arminianism, &c., but were allowed a year to repent; and a new Commission on the College was appointed.

3. Besides passing Acts against the profanation of the Sabbath, witches, and idolatrous monuments, the Elders and Magistrates of Burghs were directed to attend the Presbyteries of the Church, for the more effectual enforcement of their decrees by the concurrence of civil authority.

4. The controversy was agitated about Private Conventicles, of which Baillie gives a minute account.\*

## THE PRINCIPALL ACTS

OF THE GENERALL ASSEMBLY HOLDEN AT ST ANDREWS  
AND EDINBURGH, 1641.

Sess. I. 20 July 1641.

John Earle of Weymes, His Majesties Commissioner, presented His Majesties Letter to the Assembly, whereof the tenor followeth.

CHARLES R.

TRUSTIE and welbeloved, Wee greet you well. It is no small part of Our Royall care and desires, that the true Reformed Religion, wherein

\* Vide Documents, p. 303.



by the grace of God, We resolve to live and dye, be settled peaceably in that Our ancient and native Kingdome of Scotland, and that the same be truly taught, and universally received and professed by Our Subjects there, of all degrees. For preventing of all division and trouble hereafter, We did intend in Our Own Royall Person, to have been present at this Assembly; but conceiving it to be unfitting, to detain the Ministers from their particular charges, till the time of Our coming to the Parliament, We have resolved to make knowne unto you by these, and by Our Commissioner, That in the approaching Parliament, it is Our intention by Our authority, to ratifie and confirm the Constitutions of the late Assembly at Edinburgh, that they may be obeyed by all Our Subjects living in that Our Kingdome. And that We will take into Our Royall consideration, by what meanes the Churches belonging to Our presentation, when any of them shall happen to vaik, may be best provided with well qualified Preachers: Like as We are not unwilling to grant presentations unto such as in these times of trouble have entred into the Ministerie, providing they have been examined by the Presbyteries, and approved by them: Because We want not Our own feares of the decay of Learning in that Church and Kingdome, We intend also to consider of the best meanes for helping the Schooles and Colledges of Learning especially of Divinity, that there may be such a number of Preachers there, as that each Parish having a Minister, and the Gospel being preached in the most remote parts of the kingdome, all Our Subjects may taste of Our care in that kinde, and have more and more cause to blesse God that we are set over them. And, finally, so tender is Our care, that it shall not be Our fault if the Churches and Colledges there flourish not in Learning and Religion: For which Royall testimonie of Our goodnesse, We require nothing upon your part, but that which God hath bound you unto, even that you be faithfull in the charge committed unto you, and care for the soules of the people: That you study Peace and Unity amongst your selves, and amongst the people, against all Schisme and Faction; and that you not only pray for Us, but that you teach the People, which We trust are not unwilling to pay that honour and obedience which they owe unto Us, as his Vicegerent set over them, for their good; wherein We expect you will by your good example goe before them. Which hoping you will doe, We bid you farewell. From Our Court at Whitehall, the 10 day of July 1641.

Sess. III. 28 July 1641.

*Act approving the Overtures of the Assembly at Aberdene, for ordering the Assembly-House.*

THE Overtures for ordering the Assembly-House, given in to, and approved by the Assembly of Aberdene the 29 July 1640, Act Sess. 2, were openly read, and again approved by this Assembly, and ordained to be kept the whole time thereof.

Sess. V. 30 July 1641.

*Act anent old Ministers bruiing their Benefices.*

THE Assembly having considered the Supplication given in by Doctor Robert Howie, Provost of the New Colledge of S. Andrews, whereby he craved, that (notwithstanding of his dismission of his charge) he should not be prejudged of his full

provision and maintenance during his life-time: The Assembly thinks it fit and necessary, that his provision and maintenance should not be diminished, but that he should enjoy the same fully, as of before, during all the dayes of his life-time, and craveth his dismission to be only but a cessation from his charge, because of his age and inability: And declares, that old Ministers and professors of Divinitie, shall not by their cessation from their charge, through age and inability, be put from enjoying their old maintenance and dignity. And recommends this and others the like things, concerning the estate of that Universitie of S. Andrews, to the Parliament, and the Visitation to be appointed from the Assembly and Parliament. And likewise the Assembly being informed, that the said Doctor Howie hath been very painfull in his charge, and that he hath divers papers which would be very profitable for the Kirk: Therefore they think fit, that the said Doctor Howie be desired to collect these papers, which doeth concerne, and may be profitable for the use of the Kirk, that the samine may be showne to the Visitors of the said Universitie.

Sess. VIII. 2 Aug. 1641, à meridie.

*Act against sudden receiving Ministers deposed.*

THE Assembly ordaines, that Ministers who are deposed either by Presbyteries, Synods, or Generall Assemblies, or Committees from Assemblies for the publike cause of the Reformation and order of this Kirk, shall not be suddenly received againe to the Ministerie, till they first evidence their repentance both before the Presbyterie and Synod, within the bounds where they were deposed, and thereafter the samine reported to the next ensuing Generall Assembly.

Sess. IX. Aug. 3, 1641.

The Overtures under-written, concerning the Universities and Colledges of this Kingdome, to be represented by the Generall Assembly to the Kings Majesty and Parliament, being openly read, the Assembly approved the saids Overtures, and ordained them to be recommended to the Parliament.

FIRST, because the good estate both of the Kirk and Commonwealth, dependeth mainly upon the flourishing of Universities and Colledges, as the Seminaries of both, which cannot be expected, unless the poore meanes which they have, be helped, and sufficient revenues be provided for them and the same well employed: Therefore that out of the rents of Prelacies, Collegiat or Chapter-Kirks, or such like, a sufficient maintenance be provided for a competent number of Professors, Teachers, and Bursers in all faculties, and especially in Divinitie, and for upholding, repairing, and enlarging the Fabrick of the Colledges, furnishing Libraries, and suchlike good uses in every Universitie and Colledge.

II. Next for keeping of good order, preveening and removing of abuses, and promoting of pietie and learning, it is very needfull and expedient that there be a communion and correspondencie kept betwixt all the Universities and Colledges. And therefore that it be ordained, that there be a meeting once every year at such times and places as shall be agreed upon, of Commissioners from every University and Colledge to consult and determine upon the common affairs, and whatsoever may con-



cerne them, for the ends above-specified, and who also, or some of their number, may represent what shall be needfull and expedient for the same effect, to Parliaments and Generall Assemblies.

III. *Item*, that speciall care be had that the places of the Professors, especially of Professors of Divinity in every University and Colledge, be filled with the ablest men, and best affected to the Reformation and order of this Kirk.

Sess. X. Aug. 4, 1641.

*Act against Impiety and Schisme.*

THE Assembly seriously considering the present case and condition of this Kirk and Kingdom, what great things the Lord hath done for us, especially since the renewing of our Covenant, notwithstanding our former backsliding and desertion; and if we shall either become remiss in the duties of Piety, or shall not constantly hold & keep our Religion, unto which we have bound our selves so straitly & solemnly, what dishonour we doe unto the name of God before men, who have their eyes upon us, and how great judgements we bring upon our selves, upon these and the like considerations, The Assembly doth finde it most necessary to stirre up themselves, and to provoke all others both Ministers and people of all degrees, not only to the religious exercises of publike-worship in the Congregation, and of private worship in their Families, and of every one by themselves apart, but also to the duties of mutuall edification, by instruction, admonition, exhorting one another to forwardnesse in Religion, and comforting one another in whatsoever distresse; and that in all their meetings, whither in the way of civill conversation, or by reason of their particular callings, or any other occasion offered by divine providence, no corrupt communication proceed out of their mouth, but that which is good to the use of edifying, that it may minister grace unto the hearers: And because the best means have been, and may still be despised or abused, and particularly the duetie of mutuall edification, which hath been so little in use, and so few know how to practise in the right manner, may be upon the one part subject to the mocking of ungodly and worldly men, who cannot endure that in others which they are not willing to practise themselves, and upon the other part, to many errors and abuses, to which the godly through their weaknes may fall, or by the craftinesse of others may be drawn into, such as are Error, Heresie, Schisme, Scandall, Self-conceit, and despising of others, pressing above the common calling of Christians, & usurping that which is proper to the Pastoral Vocation, contempt or misregard of the publike means, idle and unprofitable questions which edifie not, uncharitable censurings, neglect of duties in particular callings, businesse in other mens Matters and Callings, and many such others in doctrine, charity, and manners, which have dolefully rent the bowels of other Kirks, to the great prejudice of the Gospel.

Therefore the Assembly, moved with the zeal of God against all abuses and corruptions, and according to their manifold obligations, most earnestly desiring and thirsting to promote the work of Reformation, and to have the comfort & power of true godlinesse sensible to every soul, and Religion to be universally practised in every Family, and by every person at all occasions, Doth charge all the Ministers and Members of this Kirk, whom they doe represent, that according to their severall places and vocations, they endeavour to suppress all im-

piety and mocking of religious exercises, especially of such as put foule aspersions, and factious or odious names upon the godly. And upon the other part, that in the fear of God they be aware and spiritually wise, that under the name and pretext of religious exercises, otherwayes lawfull and necessary, they fall not into the aforesaid abuses; especially, that they eschew all meetings which are apt to breed Error, Scandall, Schisme, neglect of duties and particular callings, and such other evils as are the works, not of the spirit, but of the flesh, and are contrary to truth and peace; and that the Presbyteries and Synods have a care to take order with such as transgresse the one way or the other.

Sess. XIII. 6 Aug. 1641, à meridiè.

*Act anent Novations.*

SINCE it hath pleased God to vouchsafe us the libertie of yearly Generall Assemblies, It is ordained according to the Acts of the Assembly at Edinburgh 1639, and at Aberdene 1640, that no Novation in doctrine, worship, or government, be brought in, or practised in this Kirk, unlesse it be first propounded, examined, and allowed in the Generall Assembly, and that transgressors in this kinde be censured by Presbyteries and Synods.

Act Sess. XV. 7 Aug. 1641.

*Overtures anent Bursars and Expectants.*

The Overtures under-written being openly read in audience of the Assembly, were approved, and declared by them to be Acts of the Assembly, in all time coming, to be observed *respectivè*, as the samie bears.

I. THE Assembly thinks meet for maintaining of Bursars of Divinitie, that every Presbyterie that consists of twelve Ministers, shall maintain a Bursar, and where the number is fewer nor twelve, shall be joynd with these out of another Presbyterie where their number exceeds: where this course is not already kept, it is to be begun without longer delay, and every Provinciall is ordained to give an accompt of their number of Bursars, that is constantly to be entertained by their Province, at the next ensuing Generall Assembly.

II. No expectant shall be permitted to preach in publike before a Congregation, till first he be tryed after the same manner, howbeit not altogether with that accuracie which is enjoyned by the Act of the Assembly of Glasgow 1638, which prescribes the order and manner of tryall, that is to be kept with these who are to be admitted to the holy Ministrie: and none so tryed shall preach in publike, without the bounds of the University or Presbyterie where he past his tryalls, till he first make it known to the other Presbyteries, where he desires to be heard, by a testimoniall from the Universitie or Presbyterie where he lived, that he hath bin of an honest conversation, and past his tryalls conform to the order here prescribed: Which being done in the meeting of the Province or Presbyterie, where he desires to be heard; he is to be allowed by them to preach within the bounds of that Province or Presbyterie, without any further tryall to be taken of him.

III. Expectants being educate in a Colledge that was corrupt, or under a corrupt Minister, if they themselves have been known to have been tainted with error, or opposite to our Covenant, and the blessed Work of Reformation within this Kirk, the same order



is to be kept in admitting them to the holy Ministrie, or to any place in the Colledges or Schooles of this Kingdome, that was ordained to be kept in admission of these Ministers who fled out of the Countrey, and shew themselves opposite to our Covenant and Reformation.

Act Sess. XVII. Aug. 9, 1641.

*Act against unlawfull Bands.*

THE Assembly taking to their consideration the question proponed unto them concerning the Band, the copy whereof was presented before them from the Parliament, doth find and declare that Bands of this and the like nature, may not lawfully be made: By which Declaration the Assembly doth not intend to bring any censure for what is past, and by the wisdom and care of the Committee of the Parliament is taken away, upon any person, who being required by the Moderator and the Clerk, shall under his hand declare before them, That as the Assembly doth finde that the subscribers are not astricted by their Oath to the tenor of the said Band, so he findeth himself not to be astricted by his Oath to the tenor thereof; but the intention of the Assembly is meerly to prevent the like in time coming.

Sess. XVIII. 9 Aug. 1641, à meridiè.

*A Letter from some Ministers in England to the Assemblée.*

Right Reverend and dear Brethren now convened in this Generall Assembly.

WE most heartily salute you in the Lord, rejoicing with you in his unspeakable goodness, so miraculously prospering your late endeavours, both for the restoring and settling of your own Liberties and Priviledges, in Church and Commonwealth (which we heare and hope he is now about to accomplish) as also for the occasioning and advancing of the Worke of Reformation amongst our selves; for which as we daily blesse the highest Lord, sole Author of all our good, so doe we acknowledge yourselves worthy Instruments thereof. And for that (besides all other respects) doe, and ever shall (by the help of God) hold you deare unto us, as our own bowels, and our selves obliged to render unto you all due correspondence according to our power, upon all good occasions.

And now (deare Brethren) forasmuch as the Church of Christ is but one body, each part whereof cannot but partake in the weale and woe of the whole, and of each other part; and these Churches of England and Scotland, may seem both to be imbarqued in the same bottome, to sink and swim together, and are so near conjoynd by many strong ties, not only as fellow-members under the same Head, Christ, and fellow-subjects under the same King; but also by such neighbour-hood and vicinity of place, that if any evill shall much infest the one, the other cannot bee altogether free: or if for the present it should, yet in processe of time it would sensibly suffer also. And forasmuch as evils are better remedied in their first beginning, then after they have once taken deep root; therefore we whose names are here under-written, in the behalf of our selves, and of many others, Ministers of the Church of England, are bold to commend to your consideration (being met together in this venerable Assembly) a difference of great concernment, which you may please (in brief) thus to understand. Almighty

God having now of his infinite goodnesse, raised up our hopes of removing the yoke of Episcopacie (under which we have so long groaned) sundry other forms of Church-government are by sundry sorts of men projected, to be set up in the roome thereof: one of which (amongst others) is of some Brethren that hold the whole power of Church-government, and all Acts thereunto appertaining (as Election, Ordination, and Deposition of Officers, with Admission, Excommunication, and Absolution of Members) are by divine Ordinance *in foro externo*, to be decreed by the most voyces, in, and of every particular Congregation, which (say they) is the utmost bound of a particular Church, endued with power of government, and only some Formalities of solemne execution to be reserved to the Officers (as servants of the said Church) if they have any, or if none, then to be performed by some other members, not in office, whom the said Church shall appoint thereunto: And that every of the said particular Congregations (whether they consist of few or many members, and be furnished with Officers or not) lawfully may and ought to transact, determine, and execute all matters pertaining to the government of themselves, amongst and within themselves without any authoritative (though not consulatory) concurrence or interposition of any other persons or Churches whatsoever, condemning all imperative and decisive power of Classes, or compound Presbyteries and Synods, as a meere usurpation. Now because we conceive that your judgement in this case may conduce much by the blessing of God, to the settling of this question amongst us; Therefore we doe earnestly intreat the same at your hands, and that so much the rather, because we sometimes hear from those of the aforesaid judgment, that some famous and eminent Brethren, even amongst your selves, doe somewhat encline unto an approbation of that way of government. Thus humbly craving pardon for our boldnesse, leaving the matter to your grave considerations, and expecting answer at your convenient leasure, We commit you, and the successe of this your meeting, to the blessing of the Almighty, in whom we shall ever remain,

Your faithfull Brethren to serve you  
in all offices of love.

London, 12 July, 1641.

*The Assemblies Answer to the English Ministers Letter.*

Right reverend and dearly beloved Brethren in our Lord and common Saviour Jesus Christ.

WE the Ministers and Elders met together in this Nationall Assembly, were not a little refreshed and comforted by the good report which we heard of you, and others of our Brethren of the Kirk of England, by some of our Ministers who, by the good providence of our Lord, had seen your faces and conversed with you. But now yet more comforted by your Letters which we received, and which were read in the face of the Assembly, witnessing your Christian love, and rejoicing with us in God for his great and wonderfull Work in the Reformation of this Kirk, and in the beginning of a blessed Reformation amongst your selves, and that you are so sensible of your communion and fellowship with us, and to desire to know our minde and judgement of that which some Brethren amongst you hold, concerning Kirk-government.

We doe with our hearts acknowledge and wonder at the great and unspeakable wisdom, mercie,



and power of our God, in restoring unto us the truth and puritie of Religion, after many Back slidings and defection of some in this Kirk, and desire not only to confesse the same before the world, and all other Christian Kirkes, but also doe pray for grace to walk worthily of so wonderfull a love: We have been helped by your prayers, in our weak endeavours, and you have mourned with us (we know) in the dayes of our mourning; and therefore is it that you doe now rejoyce and praise God with us: Neither are we out of hope, but the same God shall speedily perfect that which he hath begun amongst you, that your joy may be full: which is the desire of our soule, and for which we doe now pray, and in our severall Congregations will be instant at the throne of grace, for this and all other spirituall and temporall blessings upon the Kirk and Kingdome of England, by name, expecting the like performance of mutuall love from you, and others equally minded with you, for your parts, till a common consent may be obtained, even that you will recommend the Kirk of Scotland, by name, in your prayers to God. Thus shall we be as one people, mourning and rejoycing, praying and praising together; which may be one meane of the preservation of Unity, and of many other blessings to us both.

We have learned by long experience, ever since the time of Reformation, and specially after the two Kingdomes have been (in the great goodnesse of God to both) united under one Head and Monarch, but most of all of late, which is not unknown to you, what danger and contagion in matters of Kirk-government, of divine worship, and of doctrine, may come from the one Kirk to the other, which beside all other reasons, make us to pray to God, and to desire you, and all that love the honour of Christ, and the peace of these Kirks and Kingdomes, heartily to endeavour, that there might be in both Kirks, one Confession, one Directory for publike worship, one Catechisme, and one Forme of Kirk-government. And if the Lord who hath done great things for us, shall be pleased to hearken unto our desires, and to accept of our endeavours, we shall not only have a sure foundation for a durable Peace, but shall be strong in God, against the rising or spreading of Heresie and Schisme amongst our selves, and of invasion from forraine enemies.

Concerning the different Formes of Kirk-government, projected by sundrie sorts of men, to be set up in place of Episcopall Hierarchie, which we trust is brought near unto its period, we must confesse, that we are not a little grieved that any godly Ministers and Brethren should be found, who doe not agree with other Reformed Kirks in the point of government as well as in the matter of Doctrine and Worship; and that we want not our own feares, that where the hedge of Discipline and Government is different, the Doctrine and Worship shall not long continue the same without change: yet doe not marvell much, that particular Kirks and Congregations which live in such places, as that they can conveniently have no dependencie upon superiour Assemblies, should stand for a kind of independencie and supremacie in themselves, they not considering that in a Nation or Kingdome, professing the same Religion, the government of the Kirk by compound Presbyteries and Synods is a help and strength, and not a hinderance or prejudice to particular Congregations and Elderships, in all the parts of Kirk-government; and that Presbyteries and Synods are not an extrinsecall power set over particular Kirks, like unto

Episcopall dominion, they being no more to be reputed extrinsecall unto the particular Kirks, nor the power of a Parliament, or Couvention of Estates, where the Shires and Cities have their own Delegates, is to be held extrinsecall to any particular Shire or City.

Our unanimous judgement and uniforme practice is, that according to the order of the Reformed Kirks, and the ordinance of God in his Word, not onely the solemne execution of Ecclesiasticall power and authoritie, but the whole acts and exercise thereof, do properly belong unto the Officers of the Kirk; yet so that in matters of chiefest importance, the tacite consent of the Congregation be had, before their decrees and sentences receive finall execution, and that the Officers of a particular Congregation may not exercise this power independently, but with subordination unto greater Presbyteries and Synods, Provinciaall and Nationall; which as they are representative of the particular Kirks conjoynd together in one under their government; so their determination, when they proceed orderly, whether in causes common to all, or many of the Kirks, or in causes brought before them by appellations or references from the inferiour, in the case of aberation of the inferiour, is to the severall Congregations authoritative and obligatorie, and not consultatory only: And this dependencie and subordination, we conceive not only to be warranted by the light of nature, which doth direct the Kirk in such things as are common to other societies, or to be a prudentiall way for Reformation, and for the preservation of Truth and Peace, against Schisme, Heresie, and Tyranny, which is the sweet fruits of this government wheresoever it hath place, and which we have found in ancient and late experience; but also to be grounded upon the Word of God, and to be conforme to the paterne of the Primitive and Apostolicall Kirks; and without which, neither could the Kirks in this Kingdome have been reformed, nor were we able for any time to preserve Truth and Unity amongst us.

In this forme of Kirk-government, our unanimity and harmony by the mercy of God, is so full and perfect, that all the Members of this Assembly have declared themselves to be of one heart, and of one soule, and to be no lesse perswaded, that it is of God, then that Episcopall government is of men; resolving by the grace of God, to hold the same constantly all the dayes of our life, and heartily wishing that God would blesse all the Christian Kirks, especially the famous Kirk of England, unto which in all other respects we are so nearly joyned with this divine Forme of government. Thus having briefly and plainly given our judgement for your satisfaction, and desiring and hoping that ye will beleve against all mis-reports, that we know not so much as one man, more or lesse eminent amongst us, of a different judgement, we commend you unto the riches of the grace of Christ, who will perfect that which he hath begun amongst you, to your unspeakable comfort. Subscribed by our Moderator and Clerk.

Edinburgh, 9 Aug. 1641.

*The Assemblies Answer to the Kings Majesties Letter.*

MOST GRACIOUS SOVERAIGN,

BESIDE the conscience of that duetie which we owe to supreme Authority, we are not only encouraged, but confirmed by the Royall favour and Princely munificence, expressed in Your gra-



cious Majesties Letters, which filled our hearts with joy, and our mouths with praise, to offer up our prayers with the greater fervencie to God Almighty for Your Majesties happinesse, our selves for our own parts, and for the whole Kirks of this your Majesties Kingdome, which we doe represent, to serve Your Majestie in all humble obedience, our faithfull labours for preserving Trueth and Peace amongst all Your Majesties Subjects, and our example (according to Your Majesties just commandments laid upon us) to be a presedent to others in paying that honour, which by all Lawes divine and humane, is due unto Your sacred Majestie, being confident that your Majestie shall finde at your coming hither much more satisfaction and content than can be expressed by

Your Majesties most humble Subjects and faithfull servants, the Ministers and Elders met together in the venerable Assembly at S. Andrews, July 20, and Edinburgh, July 27, 1641.

*Act anent the Kirk of Campheir.*

**T**HE which day a motion was made in the Assembly, that it seemed expedient for correspondence that might be had from forraigne parts, for the weal of this Kirk, That the Scots Kirk at Campheir were joynd to the Kirk of Scotland, as a Member thereof: Which being seriously thought upon and considered by the Assembly, they approved the motion, and ordained M. Robert Baillie Minister at Cilwinning, to write to M. William Spang Minister at Campheir, and Kirk Session thereof, willing them to send their Minister, and a ruling Elder, instructed with a Commission to the next Generall Assembly to be holden at S. Andrews, the last Wednesday of July 1642, at which time they should be inrolled in the Books of the Generall Assembly, as Commissioners of the Generall Assembly of Scotland, from the Scots Kirk at Campheir.

**T**HE Assembly appoints the next Generall Assembly to be holden at S. Andrews, the last Wednesday of July next 1642.

FINIS.

INDEX of the PRINCIPALL ACTS of the ASSEMBLY holden at S. ANDREWS and EDINBURGH, 1641. Not Printed.

- 1.—His Majesties Commission to Iohn Earle of Weemes.
- 2.—A Letter from the Parliament to the Generall Assembly.
- 3.—Act anent the continuation of M. Andrew Ramsay Moderator.
- 4.—His Majesties Letter to the Assembly.
- 5.—Act anent the translation of the Assembly from S. Andrews to Edinburgh.
- 6.—Election of M. Alex. Henderson Moderator.
- 7.—Declaration of the Assemb. anent the translation thereof to Edinburgh.
- 8.—Act for drawing up one Catechisme, one Confession of Faith, Directory of publike worship and form of Kirk-government.
- 9.—Act anent M. Andrew Ramsays delivery to the Clerk the Books, Warnesius Book, and others, which he received at Aberdene.

10.—Overtures anent transportation of Ministers, and plantation of Schooles, recommended to be advised by Synods.

11.—Ref. to the Parl. anent the Kirks of Dunkeld.

12.—Act anent M. David Calderwood.

13.—Commis. anent erecting a Presb. in Biggar.

14.—Com. for visitation of Orknay and Zetland.

15.—Act anent bringing of the Synode Books to the Assemblies.

16.—Ref. from the Parl. anent a Band and a Paper called a Manifesto.

17.—Act anent the deleting of the E. of Traquairs Declaration out of the Books of Secret Council.

18.—Report of Overtures made anent the Plantation of Kirks in the High-lands.

19.—Commission for visitation of the Universitie of S. Andrews.

20.—Commis. for Visitation of the Universitie of Glasgow.

21.—Commis. to attend the Parliament.

22.—Ref. to that Commis. anent the Presb. of Sky.

*Miscellaneous Historical Documents,*

RELATIVE TO THE ECCLESIASTICAL AND POLITICAL EVENTS IN SCOTLAND—1640-41.

1640.—August 15.

1. *Letter from Lord Conway to Secretary Windesbanke, announcing the Approach of the Scotch Army.\**

MR SECRETARY,

My time is very short. I now received your Letter. I have within these two hours word brought to me, [I pray you tell my Lord of Canterbury, that it is by that man I did write last to him, that I have sent into Scotland and gave him sixteen pounds,] that the Scotch Army, as he doth assure me upon his life, and bids me hang him if it be not so, will upon Munday or Tuesday next come into England, that they will upon Saturday be before this Town, which they say they will take or here be broken, from hence they intend to go to Yorkshire, &c.

Your most humble servant,  
CONWAY and KILULTA.

Newcastle Aug. 15,  
1640.

1640.—August 21.

2. *Six Considerations of the Lawfulness of their Expedition into England, manifested.†*

As, from the beginning till this time, we have attempted nothing presumptuously in this great work of Reformation, but have proceeded upon good grounds, and have been led forward by the good hand of God; so now, from our own perswasion, are we ready to answer every one that asketh us a reason of this our present expedition, which is one of the greatest and most notable parts of this

\* Rushworth, vol. iii, p. 1221. † Ibid, p. 1223.



wonderful work of God, beseeching all to lift up their minds above their own particulars, and, without prejudice or partiality, to lay to heart the Considerations following :—

First, As all men know and confess what is the great force of necessity, and how it doth justify actions otherways unwarrantable, so it cannot be denied but we must either seek our peace in England at this time, or lye under the heavy burdens which we are not able to bear.

1. We must maintain Armies on the Borders, and all places nearest to hazard, for the defence and preservation of our Countrey, which, by laying down of Armes, and disbanding of our Forces, should be quickly over-run by hostile invasion and the incursions of our enemies.

2. We shall want trade by Sea, which would not only deprive the Kingdom of many necessities, but utterly undo our Boroughs, Merchants, Mariners, and many others who live by Fishing, and by Commodities Exported and Imported, and whose particular callings are utterly made void, by want of Commerce with other Nations and Sea-trade.

3. The Subjects through the whole Kingdom shall want administration of Justice ; and although this time past the marvellous power and providence of God hath kept the Kingdom in order and quietness, without any Judicatories sitting, yet cannot this be expected for afterward, but shall turn to confusion. Any one of the three, much more all of them put together, threaten us with most certain ruine, unless we speedily use the remedy of this Expedition. And this we say not from fear, but from feeling : for we have already felt to our unspeakable prejudice, [ what it is to maintain Armies, what to want traffick, what to want administration of Justice.] And if the beginning of these evils be so heavy, what shall the growth and long continuance of them prove unto us ? So miserable a being all men would judge to be worse than no being.

Secondly, If we consider the nature and quality of this Expedition, it is defensive, and so the more justifiable. For proof hereof, let it be remembered—

1. The Kings Majesty, misled by the crafty and cruel faction of our Adversaries, began this years war, not we. When Articles of Pacification had been the other year agreed upon, Armies laid down, Forts and Castles rendered, an Assembly kept, and concluded with the presence and consent of his Majesties High Commissioner, the promised Ratification thereof in Parliament (contrary to the foresaid Articles) was denied unto us, and when we would have informed his Majesty by our Commissioners, of the reasons and manner of our proceedings, they got not so much as presence or audience. Thereafter his Majesty being content to hear them, before that they came to Court or were heard, War was concluded against us at the Council Table of England, and a Commission given to the Earl of Northumberland for that effect.

1. The Parliaments of Ireland and England were also convocate, for granting subsidies unto this war against us, as is notoure, Plots have been hatcht, and military preparations made against us : many invasions by Sea, which have spoiled us of our ships and goods ; men, women, and children killed in Edinburgh by his Majesties Forces in the Castle : Our enemies therefore are the authors and beginners of the War, and we defenders only.

2. We intend not the hurt of others, but our own peace and preservation, neither are we to offer any injury or violence : And therefore have furnished

our selves according to our power with all necessities, not to fight at all, except we be forced to it in our own defence, as our Declaration beareth.

3. We shall retire and lay downe Armes, as soon as we shall get a sure peace, and shall be satisfied in our just demands. Upon which ground even some of those who would seem the greatest Royalists, hold the Wars of the Protestants in France against the King, and the factions of the Guisians, to have been lawful defensive Wars, because they were ever ready to disband and quiet themselves, when they got assurance of peace and liberty of Religion. Now this present Expedition being in the nature of it defensive, hence it appeareth that it is not contrary, but consouant to our former Protestations, Informations and Remonstrances : In all which there is not one word against defensive War in this cause ; but strong reasons for it, all which militate for this expedition.

Our first information sent to England this year, though it accurseth all offensive or invasive war, yet sheweth plainly, that if we be invaded either by Sea or Land, we must do as a man that fighteth himself out of prison. If a private man when his house is blocked up, so that he can have no liberty of Commerce and Traffick to supply himself and family, being also in continual hazard of his life, not knowing when he shall be assaulted by his Enemies who lye in wait against him, may in this case most lawfully step forth with the Forces which he can make, and fight himself free, of how much more worth is the whole Nation ? and how shall one and the same way of defence and liberation be allowed to a private man, and disallowed to a whole Nation ?

Thirdly, We are called to this Expedition by that same divine providence and vocation which hath guided us hitherto in this great business. We see the expediency of it, for the glory of God, for the good of the Church, for advancing the Gospell, for our own peace : after seeking of God, and begging light and direction from Heaven, our hearts are inclined to it, God hath given us zeal and courage to prosecute it, ability and opportunity for undertaking it, unanimous Resolution upon it, scruples removed out of minds where they were harboured, encouragements to atchieve it from many passages of divine providence, and namely from the proceedings of the last Parliament in England, their grievances and desires being so homogeneal and akin to ours, we have laboured in great long-suffering by Supplications, Informations, Commissions, and all other means possible, to avoid this Expedition. It was not premeditate nor affected by us (God knows) but our enemies have necessitated and redacted us unto it, and that of purpose to sow the seeds of National Quarrels ; yet as God hitherto hath turned all their plots against themselves, and to effects quite contrary to those that they intended ; so are we hopeful that our coming into England (so much wished and desired by our adversaries for producing a National quarrel) shall so far disappoint them of their aymes, that it shall link the two Nations together in straiter and stronger bonds, both of Civil and Christian love, than ever before.

And that we may see yet further evidences of a calling from God to this voyage, we may observe the order of the Lords steps and proceedings in this work of Reformation. For, beginning at the gross Popery of the Service Book, and Book of Canons, he hath followed the back trade of our defection, till he hath Reformed the very first and smallest Novations, which entered in this Church. But so it is, that this back trade leadeth yet further, to the Prelacy in England, the fountain whence all those



Babylonish streams issue unto us: The Lord therefore is still on the back trade, and we following him therein, cannot yet be at a stay. Yea, we trust, that he shall so follow forth this trade, as to chase home the Beast, and the false Prophet to Rome, and from Rome out of the world. Besides, this third Consideration resulteth from the former two; for if this Expedition be necessary, and if it be defensive, then it followeth inevitably, that we are called unto it, for our necessary defence is warranted, yea commanded by the Law of God and Nature, and we are obliged to it in our Covenant.

Fourthly, The lawfulness of this Expedition appeareth, if we consider the party against whom, which is not the Kingdom of England, but the Canterburian faction of Papists, Atheists, Arminians, Prelates, the misleaders of the Kings Majesty, and the Common Enemies of both Kingdoms. We perswade our selves, that our Brethren and Neighbours in England, will never be so evil advised, as to make themselves a party against us, by their defence and patrociny of our Euemies among them, as sometimes the Benjamites made themselves a party against the Israelites, by defending the Gibeathites in their wicked cause, *Judg.* 20. We pray God to give them the wisdom of the wise Woman in Abel, who when Joab came near to her City with an Army, found out a way which both kept Joab from being an Enemy to the City, and the City from being an Enemy to him, *2 Sam.* 20. As touching the provision and furniture of our Army in England, it shall be such as is used among friends, not among enemies. The rule of humanity and gratitude will teach them to furnish us with necessaries, when as beside the procuring of our own peace, we do good offices to them. They detest (we know) the churlishness of Nabal, who refused victuals to David and his men, who had done them good, and no evil, *1 Sam.* 20. And the inhumanity of the men of Succoth and Penuel, who denied bread to Gideons Army, when he was pursuing the Common Enemies of all Israel, *Judg.* 8. But let the English do of their benevolence, what humanity and discretion will teach them; For our own part our Declaration sheweth, that we seek not victuals for nought, but for money or security: And if this should be refused (which we shall never expect) it were as damnable as the barbarous cruelty of Edom and Moab, who refused to let Israel pass through their Countrey, or to give them bread and water in any case, *Numb.* 20. *Judg.* 11. and this offence the Lord accounted so inexpiable, that for it he accursed the Edomites and Moabites from entering into the Congregation of the Lord, unto the tenth Generation, *Deut.* 23. 3, 4.

Fifthly, The fifth Consideration concerneth the end for which this Voyage is undertaken. We have attested the Searcher of Hearts, It is not to execute any disloyal act against his Majesty, It is not to put forth a cruel or vindictive haud against our Adversaries in England, whom we desire only to be Judged and Censured by their own Honourable and High Court of Parliament; It is not to enrich our selves with the Wealth of England, nor to do any harm thereto. But by the contrary, we shall gladly bestow our pains and our means to do them all the good we can, which they might justly look for at our hands, for the help which they made us at our Reformation, in freeing us from the French, a bond of peace and love betwixt them and us to all generations. Our Conscience, and God who is greater than our Conscience, beareth us record that we aim altogether at the glory of God, peace of both Nations, and honour of the King, in suppress-

ing and punishing (in a legal way) of those who are the troublers of Israel the firebrands of Hell, the Korhas, the Baalams, the Doegs, the Rabshakahs, the Hamans, the Tobiahs and Sanballats of our time, which done, we are satisfied. Neither have we begun to use a military Expedition to England, as a mean for compassing those our pious ends, till all other means which we could think upon have failed us, and this alone is left to us as *ultimum & unicum remedium*, the last and only remedy.

Sixthly, If the Lord shall bless us in this our expedition, and our intention shall not be crossed by our own sins and miscarriage, or by the opposition of the English, the fruits shall be sweet, and the effects comfortable to both Nations, to the Posterity, and to the Reformed Kirk abroad: Scotland shall be Reformed as at the beginning, the Reformation of England long prayed and pleaded for the Godly thereby shall be according to their wishes and desires, perfected in Doctrine, Worship and Discipline. Papists, Prelates, and all the members of the Antichristian Hierarchy, with their Idolatry, Superstition, and humane Inventions shall pack from hence, the names of Sects and Separatists shall no more be mentioned, and the Lord shall be one, and his name one throughout the whole Island, which shall be glory to God, honour to the King, Joy to the Kingdoms, comfort to the posterity, example to other Christian Kirks, and Confusion to the incorrigible Enemies.

1640.—September 2.

3. *Letter from the Commissioners of the late Parliament in Scotland to the Earl of Lanerick, and Petition therewith sent.\**

NOBLE LORD,

As we have ever professed and declared, as well by our Words as Actions, that the Grounds of our Desires are, and ever shall be the redress of Wrongs and reparations of our Losses, and that we will never leave off in all humility to Supplicate His Majesty for the same, so this hath moved us now, being come this length, yet again humbly to Petition His Majesty to take our Case to Consideration, and grant our Desires. We are debarred from sending or carrying our Supplications in the ordinary way, which makes us have our Address to your Lordship, intreating your Lordship in our names to present this our Petition herein inclosed to His Majesty, and in all humility to beg an Answer thereunto, to be sent with the Bearer to us, who shall ever endeavour to approve our selves His Majesties Loyal Subjects, and most unwilling to shed any Christian blood, far less the English; whereof we have given very good proof by our bygone Carriage to every one who hath with Violence opposed us, yea, even to those who entred in Blood with us, and were taken prisoners, whom we have let go with Meat and Mouey, notwithstanding that all those of ours, who did but deboard from their Quarters, are miserably massacred by these whom we can term no otherwise than Cut-throats. Our behaviour to these in New-Castle can witness our Intention, which is to live at peace with all, and rather to suffer then to offend. We bought all with our money, and they have extorted us to the triple value: the Panick fear made most of them leave the Town, and stop their own Trade; but we have studied to solve their doubts. As all our Actions shall ever tend to that which is Just and Right; so we could

\* Burnet, p. 174.



wish, they were interpreted to a true sense; and whatever may be the event of business, we hope the blame shall not lie upon

Your Lordships affectionate  
Friends to serve you.

Leager beside New-Castle,  
2<sup>d</sup> September, 1640.

*Signed,*

Roths,	Napier,	D. Hoom,
Cassilis,	Tho. Hope,	Kcir,
Dumfermline,	W. Rieharton,	Ja. Sword,
Lindsay,	J. Swith,	J. Rutherford.
Lowdoun,	P. Hepburn.	

POSTSCRIPT.—We intreat Your Lordship to let the Bearer have a Pass for his safe Return to us.

*To the Kings Most Excellent Majesty, The Humble Petition of the Commissioners of the late Parliament, and others of His Majesties Loyal Subjects of the Kingdom of Scotland.*

Humbly Sheweth,

That Whereas after our many Sufferings the time past, extreme necessity hath constrained us for our Relief, and obtaining our Humble and Just Desires, to come into England, where according to our Intentions formerly declared, we have in all our Journey lived upon our own Means and Victuals, and Goods brought a-long with us, and neither troubling the Peace of the Kingdom, nor harming any of Your Majesties Subjects of whatsoever quality in their Persons or Goods, but have carried our selves in a most peaceable manner, till we were pressed by strength of Arms, to put such Forces out of the way, as did without our deserving, and (as some of them have at the point of death confessed) against their own Conscience, opposed our peaceable passage at Newburn on Tine, and have brought their Blood upon their own Heads, against our purposes and desires expressed in our Letters, sent unto them at New-Castle, for preventing the like, or greater Inconveniences. And that we may without farther opposition come into Your Majesties Presence, for obtaining from Your Majesties Justice and Goodness satisfaction to our just Demands, we, Your Majesties most Humble and Loyal Subjects, do still insist in that submiss way of Petitioning, which we have kept since the beginning, and from which no provocation of Your Majesties Enemies and ours, no adversity that we have before sustained, nor prosperous success that can befall us be able to divert our minds.

Most humbly entreating, That Your Majesty would in the depth of Your Royal Wisdom, consider at last our pressing Grievances, provide for the Repairing of our wrongs and losses, and with the advice and consent of the Estates of the Kingdom of England convened in Parliament, settle a firm and durable Peace, against all Invasion by Sea or Land, that we may with chearfulness of heart pay unto Your Majesty, as our Native King, all Duty and Obedience that can be expected from Loyal Subjects, and that (against the many and great Evils, which at this time threaten both Kingdoms, whereat all Your Majesties Good and Loving Subjects tremble to think, and which we besecch God Almighty in mercy timeously to avert) Your Majesties Throne may be established in the midst of us, in Religion and Righteousness; and Your Majesties Gracious Answer we humbly desire, and earnestly wait for.

1640.—September 5.

4. *The King's Answer to the above Petition, dated at His Majesty's Court at York, the 5th of September 1640.\**

His Majesty hath seen and considered this Petition, and is Graciously pleased to return this Answer by me, that he finds it in such general terms, that till you express the Particulars of your Desires, His Majesty can give no direct Answer; therefore His Majesty requires that you set down the Particulars of your Demands with expedition, he having been always willing to hear and redress the Grievances of His People: and for the more mature Deliberation of these great Affairs, His Majesty hath already given out Summons for the meeting of the Peers of the Kingdom in the City of York upon the 24<sup>th</sup> of this Month, that so with the advice of the Peers you may receive such Answer to your Petition, as shall most tend to His Honour, and the Peace and Wellfare of His Dominions. And in the mean time (if Peace be that you desire as you pretend) He expects, and by these His Majesty commands, that you advance no further with your Army to these parts; which is the only means that is left for the present to preserve Peace betwixt the two Nations, and to bring these unhappy Differences to a Reconciliation, which none is more desirous of than His most Sacred Majesty.

*Signed,* LANERICK.

1640.—September 8.

5. *Letter from the Covenanters to the Earl of Lanerick.†*

RIGHT HONOURABLE,

As nothing in Earth is more desired of us than His Majesties favour, so doth nothing delight us more than that His Majesty beginneth again to hearken to our Humble Desires, wherein we trust nothing shall be found but what may serve for His Majesties Honour and for the Peace of His Dominions. The Particulars we would have expressed, but that they are contained in the Conclusions of the late Parliament, and our Printed Declarations, which were sent to your Lordship; but in case the Papers be not by your Lordship, we now summarily repeat them.

That His Majesty would be Graciously pleased to command, that the last Acts of Parliament may be published in his Highness's Name, as our Sovereign Lord, with the Estates of Parliament convened by His Majesties Authority; Next, That the Castle of Edinburgh, and other strengths of the Kingdom of Scotland, may, according to the first foundation, be furnished and used for our Defence and Security; Thirdly, That our Countrymen in his Majesties Dominions of England and Ireland may be free from Censure for subscribing the Covenant, and be no more pressed with Oaths and Subscriptions unwarranted by our Laws, and contrary to their National Oath and Covenant approved by His Majesty; Fourthly, That the Common Incendiaries, who have been the Authors of this Combustion in His Majesties Dominions, may receive their Just Censure; Fifthly, That our Ships and our Goods, with all the Damage thereof, may be restored; Sixthly, That the Wrongs, Losses, and Charges, which at this time we have sustained, may be repayed; Seventhly, That the Declarations

\* Burnet, p. 176.

† Burnet, p. 177.



made against us as Traytors may be recalled, and in end, by advice and consent of the Estates of England convened in Parliament, His Majesty may be pleased to remove the Garrisons from the Borders, and any Impediment that may stop free Trade, and with their advice may condescend to all Particulars, which may establish a stable and well-grounded Peace, for enjoying of our Religion and Liberties, against all fears of molestation and undoing from year to year, as our Adversaries shall take the advantage. This Royal testimony of His Majesties Justice and Goodness, we would esteem to be doubled upon us, were it speedily bestowed, and therefore must crave leave to regrave, that His Majesties Pleasure concerning the Meeting of the Peers the 24<sup>th</sup> of this Instant, will make the time long ere the Parliament be convened, which is conceived to be the only mean of settling both Nations in a firm Peace, and which we desire may be seriously represented to His Majesties Royal thoughts; the more this time is abridged, the more able will we be to obey His Majesties Prohibition of not advancing with our Arms, Our Actions, and whole comportment since the beginning of these Commotions, and especially of late since our coming into England, are Real Declarations of our love, and desire of Peace: nothing but invincible necessity hath brought us from our Country to this Place, no other thing shall draw us beyond the limits appointed by His Majesty; which we trust His Majesty will consider of, and wherein we hope your Lordship will labour to be a profitable Instrument for the Kings Honour, the Good of your Country, and of

Your Lordships humble Servants,  
and affectionate Friends,

Scots-Leager at New-Castle,  
Sept. 8<sup>th</sup> 1640.

A. Lesly,	Tho. Hope,
Roths,	W. Rickartoun,
Cassils,	J. Smith,
Montrose,	P. Hepburn,
Dumfermline,	D. Home,
Lindsay,	Keir,
Lowdon,	Ja. Sword.
Napier.	

1640.—September 24.

6. *Letter from the Earl of Lanerick appointing a Treaty.\**

MY LORDS,

According to His Majesties appointment, the most part of the Peers of this Kingdom of England met here at York this day, where His Majesty did communicate unto them your Desires and Petitions; and because you do so earnestly press for a speedy Answer, His Majesty, with advice of the Peers, hath nominated such a number of them for a Conference with you upon Tuesday at Northallerton, whose names are underwritten. But withall if you shall think the time too short, and that with conveniency you cannot come so soon thither, if betwixt this and Sunday you do acquaint His Majesty therewith, he will take Order for the delay thereof, for one day or two.

And that you may without all fear or Danger of Detention, send such Persons unto the said Conference as you shall think most fit, if betwixt this and Sunday you send hither the Names of these you mean to employ, His Majesty will with all possible diligence return a safe conduct under his own Royal Hand, for them and their necessary Servants.

\* Burnet, p. 178.

His Majesty hath likewise commanded me to let you know, that upon your relieving of such Officers, and others of His Subjects, as are detained by you, he will return all such of yours as are his Prisoners, either here or at Berwick; and hereafter resolves, that fair Quarters should be kept betwixt both Armies. Thus having imparted His Majesties Pleasure, I continue

Your Lordships Servant,  
York, 24<sup>th</sup> of September,  
1640. LANERICK.

1640.—October 16.

7. *Articles agreed on for the Maintenance of the Scots Army.*

1. First, That the Scotch Army, now lying in the Counties of Northumberland, Bishoprick of Durham, and Town of Newcastle, shall have for a competent maintenance, the sum of £850 per diem, being the sum before agreed on by the Counties; and that the payment thereof shall begin upon the 16<sup>th</sup> of October, and to continue for two Months, in case the Treaty shall so long last; which payment to be made weekly upon the Friday of every Week, the first Friday being the twenty-third day to be for the payment of the Week past.

2. The dayes of the returning of the Army to be numbred, within the dayes of the allowed maintenance.

3. That the Scotch Army shall content themselves with the aforesaid maintenance, and shall neither molest Papists, Prelates, nor their adherents, nor any other persons of whatsoever quality, during the time of payment, but shall keep themselves free of all other Taxes and Plunderings not only during their abode, but in their returns, and such security as is usual shall be given for the performance of the same, and this to be ordered upon the condition of the Treaty.

4. That the Inhabitants of the said Counties shall also have liberty to return peaceably to their own dwellings, and shall be refused no Courtesie, it being alwayes presupposed that the fit Lodging of their Army shall be allowed.

5. That the Army be furnished with Coals in a Regular way, and not at the pleasure of the Soldiers, which is especially recommended to the care of the Scotch Commissioners.

6. That there be a provision of Forrage at the prices to be set down in a Table, which must also contain the particular prices of all sort of Victuals, and other necessaries for the Army, to be indifferently agreed upon by persons nominated on both sides.

7. That the Sea-Ports be opened, and there be free Trade and Commerce by Sea and Land, as in the time of Peace; with this Proviso, that with the Victuals, no Armes nor Ammunition be imported into Newcastle, or any Harbour of England, and this Free Trade and Commerce to be presently intimated, and not to be interrupted, but upon the warning of three Months, that there may be a sufficient time allowed for Ships to return, and for the disposing of their Commodities.

8. That the Victuals and other Necessaries for the Army be free of Custome; And that his Majesties Custome of Coals, and other Ware, be left free to be levied by his own Officers.

9. That all restraints be removed, and that there be a freedom to furnish necessaries for both Armies,

\* Rushworth, vol. iii, p. 1295.



in such sort as is agreed on by the Articles, and liberty be granted for Milling, Brewing, Baking, and other things of that kind.

10. That the Arrears be completely paid to Octob. 16, and that such rents as are anticipate, and not yet due, be allowed in the Arrears.

11. That there be a Cessation of Armes, according to the particulars to be agreed upon.

12. As for securing the summ of £850 per diem above specified, there is a Committee appointed by the Great Council of the Peers, who have power to Treat with Northumberland, the Bishoprick of Durham, Newcastle, and (if need require) with other adjacent Counties, that there may be a real performance of what is agreed on by us: And for that we find many Difficulties of raising the Contribution out of the Counties of Northumberland, the Bishoprick, and Town of Newcastle, we have thought fit and necessary to add unto them the Counties of Cumberland and Westmoreland, to assist towards the said Contribution according to their abilities.

13. And further, the Lords will before their going from York settle a Committee who shall have charge to see the Contribution orderly raised and paid; and that there shall likewise be a Committee nominated of the Lords Commissioners, to whom either the Scotch Commissioners may address, or the Committees of the Countrey may Weekly give an Accompt of the carriage of the business. And that from thence there may further Order be given for the due performance of that which is promised.

Signed

<i>Bedford,</i>	Dumfermling,
<i>Bristol,</i>	Lowdon,
<i>Holland,</i>	Patrick Hepburne,
<i>Berkshire,</i>	W. Douglass,
<i>Ed. Manderile,</i>	J. Smith,
<i>Ph. Wharton,</i>	William Wedderbourn,
<i>Ro. Brook,</i>	Alex. Henderson,
<i>J. Paulet,</i>	W <sup>m</sup> [Arch <sup>d</sup> ] Johnston.
<i>Ed. Howard,</i>	
<i>Fr. Dunsemore,</i>	

1640.—October 26.

8. *Articles agreed on concerning the Cessation of Arms betwixt the English and Scottish Commissioners at Rippon, the 26th day of October 1640.*

1. That there be a Cessation of Arms both by Sea and Land, from this present.

2. That all Acts of Hostility do henceforth cease.

3. That both parties shall peaceably retain, during the Treaty, whatsoever they possess at the time of the Cessation.

4. That all such persons who live in any of his Majesties Forts, beyond the River of Tees, shall not exempt their Lands which lye within the Counties of Northumberland and the Bishoprick from such Contribution, as shall be laid upon them for the payment of the £850 a day.

5. That none of the Kings Forces upon the other side of Tees, shall give any impediment to such Contributions as are already allowed for the Competency of the Scotch Army, and shall take no Victuals out of the bounds, except that which the Inhabitants and Owners thereof shall bring voluntarily to them: And that any restraint or detention of Victuals, Cattle, and Forrage which shall be made by the Scots within those bounds for their better maintenance, shall be no breach.

\* Rushworth, vol. iii., p. 1306.

6. That no recruits shall be brought unto either Army from the time of the Cessation, and during the Treaty.

7. That the Contribution of £850 a day shall be only raised out of the Counties of Northumberland, the Bishoprick, Town of Newcastle, Cumberland, and Westmoreland; that the not payment thereof shall be no breach of the Treaty; but the Counties and Town so failing, it shall be left to the Scotch power to raise the same, but not to exceed the summ agreed upon, unless it be for the charges of driving to be set by the Commissioners of the Forrage.

8. That the River of Tees shall be the bounds of both Armies, excepting always the Town and Castle of Stockton, and the Village of Eggsccliffe: And that the Counties of Northumberland and the Bishoprick of Durham be the Limits, within the which the Scottish Army is to reside; saving alwayes Liberty for them to send such Convoyes, as shall be necessary for the gathering up only of the Contributions which shall be unpaid by the Counties of Westmoreland and Cumberland.

9. If any persons commit any private Insolencies, it shall be no breach of the Treaty, if (upon Complaint made by either party) reparation and punishment be granted.

10. If Victuals be desired upon that price which shall be agreed upon, and ready Monecy offered for the same, and refused, it shall be no breach of the Cessation, to take such Victuals, paying such price.

11. No new Fortifications be made during the Treaty against either party.

12. That the Subjects of both Kingdoms, may in their Trade and Commerce freely pass to and fro, without any Pass at all; but that it be particularly provided, that no member of either Army shall pass without a formal Pass under the hand of the General, or of him that commandeth in Chief.

<i>Bedford,</i>	Dunfermeling,
<i>Bristol,</i>	Lowdon,
<i>Holland,</i>	Patrick Hepburne,
<i>Berkshire,</i>	William Douglass,
<i>Ed. Manderile,</i>	J. Smith,
<i>Ph. Wharton,</i>	William Wedderburn,
<i>Ro. Brook,</i>	Alex. Henderson,
<i>J. Paulett,</i>	W <sup>m</sup> [Arch <sup>d</sup> ] Johnstoun.
<i>Ed. Howard,</i>	
<i>F. Dunsmore,</i>	

1641.—April 24.

9. *Letter from the Earl of Strafford to the Marquis of Hamilton.\**

MAY IT PLEASE YOUR LORDSHIP,

Hitherto I judged it not fit to endanger your Lordship by any Intelligence betwixt us, which might have turned much to your prejudice, in a time when the World is in so much mis-understanding of me; but now be your Lordship pleased, to admit me to resort to your noble Expressions and former Friendship, that I may carry forth of the Court with me the belief and tokens of it.

It is told me, that the Lords are inclinable to preserve my Life and Family, for which their generous Compassions, the great God of Mercy will reward them: and surely should I die upon this Evidence, I had much rather be the Sufferer than the Judge.

All that I shall desire from your Lordship is, that deusted of all Publique Employment, I may be admitted to go home to my own private For-

\* Burnet, p. 182.



tune, there to attend my own Domestick Affairs, and Education of my Childreu, with as little asperity of words or marks of Infamy, as possibly the Nobleness and Justice of my Friends can procure for me, with a Liberty to follow my own occasions, as I shall find best for my self.

This is no unreasonable thing I trust to desire, all considered that may be said in my case, (for I vow my fault that should justly draw any heavy Sentence on me, I yet do not see :) yet this much obtained will abundantly satisfie a Mind hasting fast to quiet, and a Body broken with afflictions and infirmities. And as I shall take myself highly bound to any that shall further me therein, so I more particularly desire to receive an obligation therein from your Lordship than from others, as being purposed in the truth of my former Professions, to express my self

Your Lordships humbly to be Commanded,  
STRAFFORD.

Tower, 24<sup>th</sup> of April, 1641.

1641.

10. *Principal Baillie's Journal of the General Assembly, 1641, in a Letter to the Rev. William Spang.\**

COUSIN,

Since your last, the 1st of August, you have received two of mine, and this is a third—if virtue were in length—worth any six of yours.

The carriage of our assembly was this. Since the assembly of Aberdeen there was a continual heartburning betwixt the favourers of Mr Harry Guthrie and Leckie; as in my discourse of that assembly you may see I foretold. As I came from London through Edinburgh, I found the misunderstanding so great, that I advised Argyle to take notice of it in time; and when Mr Archibald Johnston came home, I wrote to him to draw to him some of the parties for advisement how to preveen discord. For all that I could do, at my coming to Edinburgh on Saturday, July 17, I found Leckie, and many that favoured him, peremptor, not only to accuse Mr Harry Guthrie, but to have the Acts of Aberdeen about meetings and read prayers cancelled. They were much galled with the slanders went upon them, for the abusers of privy meetings, and other things falsely fathered on them. On the other part, Mr Harry, and many with him, were no less resolute to defend all that passed in Aberdeen, and to have sharp censures concluded in the next assembly against all that were for novations, not approven by our Church. With these minds went too many to St Andrew's, as if it had been a place of combat. Our only remedy against such scandalous debates were our prayers to God, which carefully were offered the Sabbath before we came from home, in a solemn humiliation for a blessing to the ensuing assembly. This labour, we found, was not for nought; for at once we found the good hand of God with us above expectation.

The King had sent his warrant to Lord Weems to sit, with as ample a commission as either Hamilton or Traquair. His Majesty intended this service for Southesk, by Traquair's advice, who yet had too great hand in affairs; but Mr Henderson diverted the King from that man, towards whom the country had so evil an eye. For what special respects Weems fell to be next, I do not know; however, the modesty and simplicity of the man made him displeasing to none. When we came to St Andrew's, our first perplexity was about a mode-

rator. Mr Henderson was passionately desired in so hard a time; but there was no certainty of his presence. Mr Harry Rollock, on whom the voices would have fallen next, had of purpose absented himself. The rest who were met were esteemed so far engaged to the question to be debated. Judge then what strait of men was there, when the like of me, who to this day had declined to moderate a presbytery, was shored to be leeted for to moderate a general assembly. Yet, after much secret advisement with the Commissioner, on Monday, with much ado, that difficulty was overcome.

1. On Tuesday, the 20<sup>th</sup>, the first day of our assembly, the last moderator, Mr Andrew Ramsay, preached the 122<sup>d</sup> psalm. According to his way, he went over it all. The first day of our assembly is appointed for fasting and humiliation. Of this disposition there was not so much this day among us as needed. After sermon we met in the Old College-hall. Mr Andrew prayed; the commissions were received by Mr Archibald Johnston; many of the commissioners were members of parliament; divers others also, upon the certain expectation of the assembly's translation to Edinburgh, had not come over. His Grace's commission in Latin was read; one clause thereof importing, at the Commissioner's advice, the assembly's translation, was demurred on by the clerk, as intruding on the assembly's liberties; yet it was not publickly questioned. A letter from his Majesty to the assembly, so full of grace and favour as we could have wished, was read. The answering of it was laid on Mr David Lindsay of Belhelvie. His draught in the end of Edinburgh assembly was read: but it was so long and luxuriant, that Mr Henderson was caused to make that short, decided, and nervous answer.

The parliament had sent over a commissioner to us, one from ilk estate, Cassils, Auldbar, Provost of Dysart, intreating, without any prescription, that in regard many of them were members of the assembly, could not, without detriment to the publick, attend at St Andrew's, we would be pleased to enter in no weighty action, especially in chusing a moderator, wherein they desired to have voice, before we returned to Edinburgh. In the translation there was no difficulty; but in the delay to chuse a moderator, the difficulty was huge. The most thought the assembly could not be constitute, and so was incapable to perform any act, let be so great a one as a translation, before a moderator was chosen. Some leading men, who would have had the moderation to themselves, or to those who favoured their intentions, urged a present election. The matter was remitted to the next session; wherein, to our great comfort, it was determined with far greater ease than any expected. Many of us thinking the delay impossible to be obtained, had concluded to voice for James Bonner; yet tomorrow, the earnestness of the commissioners from the parliament, the clerk finding in the register some such old practise, the certain hopes of Mr Henderson's near return, his Grace permitting the matter to our own option, whilkas before some about him made him declare oft, that that delay would legally evacuate his commission; Mr David Dalgleish, overcoming in boldness his good friend Mr Harry Guthrie, stoutly reasoning the sufficient formality of continuing by voices the old moderator, *ad hunc actum*, to transfer, and to chuse a new moderator in the beginning of the translated assembly, by plurality of voices it was clearly carried. We took that for a certain presage of God's assistance in all subsequent purposes.

\* Baillie, p. 298.



The next session was appointed to be held at Edinburgh, the 27th. No more but a supplication of D. Harry Reid, wherein he complained, that after his long service in the kirk and divinity-schools, he had been made to demit his place, by threats, in his extreme old age and poverty. The case was very invidious, and reflected much on his colleagues in the town and New college. The matter, I heard, was, that he, as principal, had given warrant for lifting the New-college rents, whiles to a wicked knave his son, whiles to D. Panter, and others; so that no count could be made by him of much money. Mr S. Rutherford, I think, caused complain of this to the estates when we were at London. They sent over Newton and William Ridge, rigorous enough, either to get account of him, or to lay him in ward. Upon the fear of this evil, he offered to demit his place; and his demission was taken, reserving 500 merks a-year to him for his entertainment. When his petition came to be considered in Edinburgh, his good friend Mr Henderson guided it so, that with a great deal of commendation to the old man, large as great, I am sure, as he ever deserved, it was voiced, that his demission should be rendered to him; that, according to the acts of our old assemblies anent failed ministers or professors, he should all his lifetime enjoy his full rent and honour, without any diminution.

When we came back to Edinburgh, to our great joy we found Mr Henderson and Mr Gillespie come home. That week was spent in privy consultations for accommodating the feared differences. Argyle and Cassils drew together in Loudon's chamber the ministers of Edinburgh, Mess. Dick, Blair, Rutherford, Cant, me, and some others. All the ministers of Edinburgh were chafed at their people's carriage towards them. They would have been at the simple discharge of all privy meetings, but those of a family; and for this the act of Aberdeen was alledged by them, and many more: for this the other part would have had that act recalled or expounded. I marvelled much of both their forgetting the meaning and occasion of that act, set down at length to you in my letters. Then it was at last agreed, that Aberdeen act should be altogether misken; that a draught should be made for ordering these meetings now in question. The paper drawn up by Mr Henderson the 10th of June, which pleased all well, that I had conferred with both, misliked the ministers of Edinburgh, and above all Mr D. Calderwood could not abide it. The clause in it of the number, which I liked best, did most mislike them; they alledged the permitting of any to meet, in the smallest numbers, was an establishing by an act the thing itself. Many meetings there were for little purpose. It was appointed, that Mr Dickson and Mr Blair should meet with Mr Henderson and Mr Will. Colvil, and set down their minds. Their draught was long, and too general. It was laid again on Mr David Dickson, with whom he pleased, to write down his mind. That form also did not please. At last Mr Henderson essayed it. His model liked us best; yet Mr D. Calderwood started mightily at it. We desired him to dote what he pleased; notwithstanding we were all refreshed with a certain hope of a solid agreement; for Mr Dickson and Mr Blair, and the rest who were suspected of innovating, purged themselves fully of all such intentions, and were ready to receive any of the models any had proponed. And being posed, what was their minds anent all the novations? Mr Andrew Ramsay could enumerate such as omitting, Glory to the Father,

kneeling in the pulpit, discountenancing read prayers, &c. They gave answer satisfactory, that betwixt us and them there was no discrepance at all. At last Mr Henderson fell on that model, which thereafter was voiced and printed. This happy concord, whereof Argyle and Henderson were happy instruments, will, we trust, be a great blessing to the whole land, which every where began to be fashed with idle toys.

On Tuesday, July 27th, we met before noon in the Grayfriars. After prayer, Mr Andrew Fairfoul required, that his commission should be given to Mr Henderson, in regard that the presbytery had chosen Mr Andrew Ramsay, Mr Andrew Pollock, [Henry Rollock,] and Mr Alex. Henderson, if he should be present, and him only in case of Mr Henderson's absence. So, albeit Mr John Adamson had, at his own hand, put in his own name in the commission at the first meeting in St Andrew's, and had voiced there as commissioner; yet Mr Henderson being now present, he required to be free of the burden, which he had undertaken only in case of his absence. While the matter is going to voicing, Mr Calderwood, albeit no commissioner, reasoned very passionately, that Mr Henderson was incapable of a commission. In this Mr Henderson seconded him. Always, when it came to voicing, Mr Henderson's commission was unanimously received. The next question was about a new leet for a new moderator. The old fashion was, that the former moderator leeted whom he would, and the assembly added whom they pleased. An overture had passed at Aberdeen, that every provincial synod should have one of their number to be on the leets for moderator, one to be on the committee of bills, one for the reports, and one for the overtures. The Northlandmen pressed much to have it so; but it was found unreasonable; and that overture not being an act, and not being booked was rejected. Yet they got Belhelvie added to the leet which Mr Andrew gave in. Mr Henderson declared earnestly against the burden of moderation; yet the most of the votes fell on him. The nobles were for Mr Henry Rollock, some for Bonner, some for Belhelvie, none at all for Adamson, Dalgleish, Somervell, Blackhall. No more was done in that session; only Argyle told us, that the parliament was content to have but one session a-day, and that in the afternoon, hoping the assembly would be pleased to make but one session also, and that in the forenoon, that so the commissioners might get both assembly and parliament attended. This was agreed to.

Wednesday the 28th. The moderator read the overtures which I had drawn up, and were enacted at Aberdeen, for ordering of the house. He pressed them all; yet, through negligence to exact them, thereafter we fell at once into our old misorders. Always we hope that the exact order the parliament has now taken for ruling their house, will make us, ere long, follow their good example. He read also a list of names for the committees of bills and reports. Now for the overtures: Till those of Aberdeen were considered, very hardly would he permit any to be added to those of his own number. For assessors to himself, he shewed he would advertise privily those whom most he needed. Four were named to appoint preachers for all the churches, in which Mr James Bonner, my good friend, being chief, by his favour I got myself shifted of that burthen, as in all this assembly I did what I could to hold myself quiet, and well near mute. Mr Calderwood fell on again impertinently, and very peevishly, as if it had been almost a null, an evil-consti-



tute meeting, for being translated without a moderator permanent, and chusing of him for moderator who had no commission. Mr Henderson dealt very patiently and respectfully with him: at last his Grace commanded him silence. The moderator caused read some letters, which were given him in England for the assembly. The first was from a number of our gracious brethren of the ministry at London, and about it, congratulating our happy proceeding, shewing their hopes to get our discipline established there, telling that some of their brethren, who were for independency of congregations, were great hindrances to that design; also that they gave out that some of the most eminent men in the ministry with us, inclined their way. The men they meant by, Mr Henderson told us, were Mr D. Dickson, and Mr Cant; but none in all the assembly were more against independency than these two. The matter, after some days, was voiced: all in one voice rejected that confusion, as contrary directly to our covenant: and appointed Mr Henderson to write a courteous answer to our English brethren; which he did very accurately. If I can, you shall have a copy thereof.

The next was from Mr Durie, for assistance to his negotiation of peace amongst Protestants. While some were beginning to say somewhat to the man's prejudice, I excused all, so that his motion was received; and it was laid on Mr Andrew Ramsay, Mr Blair, Mr Gillespie, and me, to frame an answer. We left the labour to Mr Blair, who did it well enough, in a fair genteel general, appointing him to keep, when he pleased, correspondence with the ministers of Edinburgh. A third was from D. Sibbald of Aberdeen, supplicating for his books, which at the prior assembly were taken from him. It was granted that he should have all except some of his sermons, whereupon a part of his process was grounded. A fourth was from Mr John Guthrie, Bishop of Murray, supplicating that his place, for a little time more, might be kept for him. It was rejected as unreasonable, and his presbytery appointed to plant his place; yea, order was given, that none who had delayed so long to come in the covenant, should be received, without a singular measure of satisfaction and trial, to be approved by the general assembly. The Moderator fell on a notable motion, of drawing up a Confession of Faith, a Catechism, a Directory for all the parts of the public worship, and platform of government, wherein possibly England and we might agree. All approved the motion; and thereafter the burden of that labour was laid on the back of the mover, with liberty to vaik from preaching whenever he pleased, and to take help of whom he thought meet. He did not incline to undertake it, yet it will lie on him; and readily in this he may do some good.

Thursday the 29th. The moderators of the committees had no matter prepared for the assembly; so we put off that session with general discourses, especially upon the matter of translation, which had most troubled us in bygone synods, and was like to do so in this also. A committee was appointed to find out overtures for that difficult matter. Lest I should be prejudged, I got it on Lord Eglinton and Mr Robert Barclay. Glasgow also, by their importunity, got on Dr Strang and D. Dickson. The presbytery of Glasgow, it were long to tell you the way how they stifled both Mr Dickson and Mr Ramsay from being commissioners. This was very evil taken by the whole country, and turned over to Glasgow's prejudice: yet Mr David was used no otherwise by the assembly than if he had been a prime commissioner. This committee did nothing

for a day or two, and that, it was publicly complained, because D. Strang and Mr David, for their own interest, marred the rest; so they, and with them my Lord Eglinton and Mr Robert Barclay, were removed from that committee. Thereafter they blocked a number of tolerable overtures; the conclusion whereof was remitted to the next general assembly. The moderator advised the town of Edinburgh, and other prime burrows, to entertain abroad some good spirits, who might be their own, if they proved apt for their service. Also he shewed the expediency of calling home one Mr Thomas Young from England, the author of *Dies Dominice*, and of the *Smectymnus* for the most part; and of Mr Colvin from Sedan, to whose commendation he spake much. If he has done any thing in private, let us have it, and write what ye know of his abilities. There was a committee appointed to consider the state of our far remote churches of the Isles, of Lochaber, Orkney, and Shetland. Some present course was taken for Lochaber; and it was laid on Mr Robert Blair, and Mr Andrew Affect, to go in the Spring to visit Arran and some near isles. There was a committee appointed to consider the advancement of the weal of colleges and schools. All their consultations we hope in time will produce good fruits.

Friday, the 30th, came in a number of particular bills; yea, some days thereafter, there came more than 200, for augmentation of stipends, for dividing or changing of churches; all which, without reading, were referred to the parliament; regrets for the enormous sins of the land. The removing of monuments of superstition, from divers parts of the country yet remaining, was recommended to the presbyteries. Mr John Guthrie, Bishop of Murray, sent out of the tolbooth, to the assembly, a supplication to confer with the moderator, and some others. All the subject of his discourse with them, as also of divers conferences he had before with the ministers of Edinburgh, was only a stiff wrangling about the formality of the process of excommunication. He sent in another supplication thereafter for the same end, but was neglected; for he and other of those men, seem to be obdured in perverseness: yet it is like, that if the King and we had settled sure in parliament, there are few of them, if any, but will supplicate to be permitted to do all that shall be prescribed.

Saturday, the 31st, no particule business was handled worth the writing. Aberdeen, in their commission from the general assembly, had met and decreed Mr George Gillespie, then at London, for their town-minister, and Mr Edward Wright for their divinity-professor, in the Marischal college. Mr Gillespie's cause came then to be handled. His Grace pleaded, that these fifty years he and his people had been vexed with a most weak minister; that he had got Mr George admitted the first in Scotland without the bishops consent. Mr George spake well for himself, that he nor his people were never advertised till the decret was passed, and divers other things. The dispute was long and hot: it was remitted to the next session. Argyle spake of the regret many ministers made under payment of their stipends, desired the assembly to find overtures for remeid, and promised the parliament would consider what should be proponed.

On Sunday afternoon, before the commissioners, I heard Mr Blair teach very gravely for peace, and abstinence from all such meetings, as in former times had been very profitable, but now were inexpedient, unlawful, and schismatical. This some mistook, but the most took it very well from him.



Truly, I bear that man record, that in all his English voyages, in many passages of the assembly, private and publick, he contributed as much to the pacifying of our differences as any, and much more than many. That day a very unhappy accident fell in the hand of a minister, Mr Thomas Lamb, who had been deposed by the blind Bishop of Galloway, for divers quarrels; but he gave it only out for disobedience in ceremonies. The ministers of Edinburgh had obtained for him a church in the presbytery of Peebles. The man had always been of a contentious humour. They say he had struck a man, whereof he died. However his presbytery, for his perverseness and contentions, had suspended him. He had appealed to the general assembly. The committee, on Saturday, had agreed them, and remitted him to the presbytery. On Sunday, after both sermons in Leith, he told Mr James however that he was displeased with that accord, and would complain to the assembly, both of the committee and his presbytery. Immediately going to ease himself among the stuff, a young man to whom the stuff belonged, fell upon him with evil language, taking up his cloak and gloves: after some mutual jarring, when he had got his cloak and gloves again, he fell in some more quarrelling with the young man, and with his whinger struck him, whereof presently he died. He wrote a pitiful supplication to the assembly, to obtain some delay of his execution, till his wife and friends might come to him. This was granted. He obtained easily a letter of Slayans from the party; but we think the Constable will cause execute him; and so much the more because he a minister, on the Sabbath day, had committed that villainy in the time of the assembly and parliament.

Monday, the 2d of August, the parliament sat not, so we had two sessions. The forenoon was taken up with the business of Aberdeen. Mr Andrew Cant laid out Aberdeen's necessities very pathetically; Mr David Lindsay and Provost Lesly, shewing their proceedings in Mr Gillespie's election to have been punctually according to the words of their commission. Notwithstanding the moderator, desiring Mr George to stay still in Fife for the use of St Andrew's, did so state the question, for all the northlandmen could say to the contrary, and notwithstanding also of Argyle's evident seconding them. His abode at Weems was craved by plurality of voices; yea, when they pressed Mr Edward Wright's transportation, albeit all that favoured Mr David Dickson did voice for them: yet they lost that cause also, in regard it was manifest before the meeting of that committee, that Mr Edward was admitted to the church of Glasgow, and before his citation to come to that committee, or his knowledge of Aberdeen's invitation, he was agreed with Glasgow, and had obtained his dismissal from the presbytery of Stirling. Mr Robert Ramsay had set the town of Glasgow on that man, whereof I suspect he now repents. The man is learned and blameless, but it is not like Mr David's way, nor among the most prudent. Factions among that people and presbytery are like to grow. I wish they come not to a shameful hearing, and that quickly, on the occasion of Mr Hugh Blair's election to that town's ministry. Sir John Scot's petition, to have a description of our sheriffdom, by some in every presbytery, to be set before the maps you have in hand, is granted.

In the afternoon Mr Andrew Ker, minister at Carrin, being transported by the provincial synod of Lothian to the burgh of Linlithgow, had appealed to the general assembly. His appeal was voiced

null. This preparative made Glasgow too eager to call my cause; but they found the case many ways unlike. At Aberdeen there had been much ado for planting of Inverness. The Laird of Steinson, patron, had presented Mr James Annan. More than the two parts of the parish speaking Irish, obtained Mr Murdoch Macbaine, a bold well-speaking man, to be conjoined to an equal stipend and burden. This equality Mr Murdoch urged, and refused to preach to the Irish congregation, but day about, so every other Sunday they sang dumb. After some days travel, it was thus agreed that a third man should be got to those who had never more than one before to preach in Irish on 500 merks, the town to pay three, the two ministers each to pay one. We being agreed privately, the moderator thought it time to move the question about meetings, and regretted the sinister rumours threanent. It was remitted to a committee in the moderator's chamber. After two afternoons' conference, Mr Henderson fell on the model you have in print. On Wednesday he read it once, twice, thrice. Many required delay to voice till to-morrow, and a copy of the writ. All delay was flatly refused; but any man was permitted to say what he would, if it were to ten at night. Mr Catherwood was impertinent still in his opposition. Mr Harry Guthrie, and those who were in this point, were feared to be more opposite than he had been. All called to the committee, and read at length. Some who craved delay were shortly taken up. Fear of raising and fomenting needless scruples, if that paper had run a showering through the city, before it had been concluded, made the moderator peremptorily refuse that which is now every day practised in our parliament, and I think were more necessary to be practised in our assembly, except in some few extraordinary cases. The paper that day was voiced, and was unanimously assented unto: yet some voiced it too general and insufficient.

Tuesday, the 3d of August, was taken up with a very captious question of your good friend Sir John Scot. He had promised to Mr Mungo Law, second minister at Dysart, in the presbytery of Kirkcaldy, a presentation to the kirk of Kilrennie, in the presbytery of St Andrew's. The presbytery of St Andrew's were not very curious to crave his transportation; Sir John, in the provincial of Fife, urges it. In the voicing, not only the whole presbytery of Kirkcaldy gets voices, but some burrow two ruling elders, gets voices. Upon this, and some other informalities, Sir John appealed to the general assembly. By strong solicitation, and by a world of merry tales in the face of the assembly, he gets a sentence for his appellation, to the great indignation of the synod of Fife, and the moderator's malecontentment. Sir John held him with that advantage, and durst not pursue his main point, anent the minister's transportation, which made many to take him but for a wrangler, who sought more the synod's disgrace than any other contentment. Overtures for planting universities, burghs, schools, were read; also a letter of the King's to the assembly, in favour of Panmure, requiring the minister of Monhey to be transported to some other church of his Majesty's presentation: the desire, with the man's own consent, was granted.

Wednesday, the 4th, Mr William Bennet was ordained, according to the act of Aberdeen, to transport to Edinburgh. Mr John Colins, after long opposition of the presbytery and parish, was ordained to be received to the church of Campsey. His presentation to the tack of Chanle of the chapter, wherein also he was obliged to ratify the patron's tack, was



ordained to be rectified. Mr Andrew Logie, deposed at Aberdeen according to the provincial's appointment, was restored to his own kirk. Sir Alexander Abercrombie of Birkenbog fashed the Assembly much, that he might be obliged to receive a new presentation; that a new edict might be served; and so, that the assembly's act of reponing him to his own church should be evacuate: but his motion being found to be from particular respects, it was misregarded.

Thursday, the 5th, Aberdeen supplicated Mr Andrew their transportation to their college. Arthur Areskine, of his own liberality, had given him 500 pound during an old man's life. The man was but twenty-four years of age, and was extreme unwilling to flit. Arthur Areskine, a well-deserving gentleman in our cause, when he began to plead, was so choked with tears, that he became silent, and removed. This accident made the assembly so compassionate towards him, that, by plurality of voices, he obtained his point. These three rebukes in end well near angered Aberdeen. By way of indignation they crave leave to have back their deposed docters; yet they gave in the fourth bill for Mr John Oswald of Pencaitland. His misfortune was to be last, else he had better reasons of staying than any of the former three; yet to please Aberdeen, all he could say was misregarded; and he, full sore against his heart, was ordained to flit.

Here came in my long-delayed action. After much altercation betwixt the passionate parties, and some calm dispute between the Principal and me, by the favour of the moderator, I got the invidious question eschewed anent my appeal, and the state made, Transport, or Abide; when, after I had read the reasons (which I here send you), there was not twenty voices for my transportation. I foresaw that this favour may readily transport me ere it be long to places where my life will be much more miserable than it is like it would have been in Glasgow; but yet I thought it incumbent to me, in conscience, to use all lawful means to keep me with my people. I took it to have been a sin to have neglected this duty for the preveening of crosses never so apparent. The Laird of Leekie gave into the committee of bills a complaint of Mr Harry Guthrie's slandering of him at Aberdeen. Of this Mr Harry complained in the face of the assembly. This was like to blow up that fire again which we thought had been extinguished; yet even here God was favourable to us. That matter was referred to us the moderator's assessors. We laboured so into it some nights, that at last we got the parties agreed, both in a writ, read to the assembly, under their hands, declaring their good opinions each of other: for Leekie truly witnessed, that he knew no blame to Mr Harry, neither in doctrine nor life; and Mr Harry testified, that he never had a thought that Leekie, or any of his family, was guilty of those slanders he complained of. Of this pacification we were all most glad. Being desirous to have the assembly at an end, it was appointed to keep her sessions twice in the day, and to dispense with the absence of so many of our parliamentary members as could not be present in the afternoon with us. The rest of that day, and much also of posterior sessions, were misspent with the altercation of that bardish man Mr D. Dogleish, and the young Constable of Dundee. He had obtained from his father to Mr David a presentation to the parsonage of Dundee. The custom was, that all of the tithes, the constable paid but to the church 500 pound, the town gave to the parson's supply 500 merks. The town having not much will of Mr David's ministry, refuses to

pay the old 500 merks. Mr David refuses to transport from Coupar till the Constable secure him in a sufficient stipend. The assembly of Aberdeen ordains Mr David to transport with all diligence, and refers the question of stipend to the decision of the committee of estates. The Constable supplicates the assembly to move Mr David either to accept the charge, or give back the presentation. This Mr David peremptorily refuses, intending by his presentation to erect a stipend to that place, and then readily to leave it, if all do not embrace him. Mr David's strong replies to the moderator would have been taken in worse part, if the Constable's naughtiness, in proclaiming of the whole parsonage four or five chalders of victual was too much for him to pay to the church's use had not offended us all. My Lord Fleming's petition, to have a new presbytery erected in Biggar, of thirteen near adjacent churches of Lanerk and Peebles, was referred to the visitation of the bounds. It was regretted by the moderatour, that Mr David Catherwood, who deserves so well of our church, was so long neglected. He was recommended to the first commodious room. Likely he shall not be in haste provided. The man is sixty-six years old; his utterance is unpleasant; his earriage about the meetings of this assembly, and before, has made him less considerable to divers of his former benefactors. The case also of Mr James Fairlie, late Bishop of Argyle, was much regretted; that he having given so long ago satisfaction, that yet no place could be gotten to him to deliver him of that extremity of poverty wherewith he long has been vexed.

Friday, the 6th, a world of bills came to be referred to the parliament. Among the rest, one of Anna Inglis, complaining, that her husband, young Aiket Cunningham, having received above 40,000 merks portion with her, had deserted her, after frequent tormenting of her, with strokes and hunger, he debauching all with harlots in Paisley. We sent two with this bill to the parliament to get present order. The justice of God was in this matter. The damsel's father had left her to be married to Mr Hugh Montgomery of Hazlehead, his wife's near cousin. After, his wife falls in a conceit with Allan Lockhart, and gives herself to him; and, by his persuasion, makes her daughter, when scarce twelve years of age, without proclamation, to be married to his cousin Aiket. For her reward, her husband Allan leaves her to pay 10,000 merks of his debt, which made her a poor vexed widow, and her success as you heard. We were fashed with a bill of young Saville's, a fine gentleman, who required, that one Littletower, whom the patron Lindores had thrust on his church, should be transported. The gentleman, for the well deserving of his house, was much pitied; yet, seeing the young man was admitted, and the most of the parish accepted him, it could not be helped till the young man, Littletower, found commodity to transport, which was not like to be sudden. The presbytery of Wigton complained of their molestation by one Macghee a notary, a criminous fellow, too much supported by that good man the Earl of Galloway. This bill being referred to the parliament, they enjoined the Earl to go home without delay, and fetch in that knave to suffer justice. There was no remeid; his Lordship behoved to go away to that unpleasant service. One Thomas Frazer in the tolbooth, being condemned to die for murder, supplicated us to be relaxed, before his death, from the sentence of excommunication. Some were sent to visit him. His true repentance being reported, Mr Andrew Cant was ordained, on the Sabbath, after his ser-



mon in the great church, to relax him. On Monday he died penitent. Dr Scroggie of Aberdeen supplicated to be admitted to our covenant. The trial of his repentance was remitted to the provincial synod.

In the afternoon many overtures by Mr George Young, clerk of the references, were read. Chaperton's supplication, to enter in our covenant, was referred to the provincial of the Merse.

Saturday the 7th. When Mr David Dickson, in the question of my transportation, had declared his intencion to have as much help from me, in professing in the college, as he gave by his ministry to the town, the moderator, and others then there, not generally liking of mixing these two offices, every one whereof required a whole man, Mr David, lest any rub or mar from this should come to him in his ministry, which very profitably he did discharge, gave in a bill to have the matter cleared. It was gladly condescended, that it should be reason for him to exercise so much of the ministry there as he found himself able without detriment to his profession; the Principal not being foreacquainted with that bill, except somewhat for the preparative, wherewith Mr David was not well pleased. It was moved, that the declarations which the Earl of Traquair had alledged he had made in the assembly, but very falsely, and had obtained to be registered in the books of council, should be torn out and cancelled. This was referred to the parliament; who, after the consideration of the truth of our alledgeance, sufficiently verified by many witnesses, caused rent out of the council-books, according as we required, these full declarations. Two motions came in here, which were like to procure us much fashry; yet both, by God's help, were brought to a peaceable conclusion.

The parliament sent in to us the Earl of Lothian, one from the Barons, and one from the Burghs, requiring our judgement of the Band; the tenor whereof was read. The reason why they required our declaration in that matter, was, because they said the Earl of Montrose had professed, the other night in his examination before the committee, that however that band was burnt, all the subscribers were yet by oath obliged to the matter of it; also they read a paper in our audience, written by Montrose's hand, after the burning of the band, full of vain humanities, magnifying to the skies his own courses, and debasing to hell his opposites. Here great wisdom was requisite. It was remitted first to the afternoon, and then to Monday. Sundry of the banded Lords compeared. We feared their stirring. Montrose's advocate craved to be heard. A supplication to us, written by his hand, was read, desiring our good opinion of him, offering to answer all we could lay to his charge to our full satisfaction. He said, the band was destroyed by the committee of parliament; that the paper was but a private memorandum for himself, never to have gone without his charter-chest, had not my Lord Sinclair been pleased to make it publick: that which was alledged of his words in the committee was not any written part of his deposition; that he had only spoken of a common guiltiness of all the subscribers with him; that he had spoken of their obligation only in relation to his accusation. Balmerino, moderator of that committee, spoke very pathetically for the truth of Montrose's words. The assembly passed by what concerned Montrose, or any particular person; and, in answer to the parliament's question, a committee was appointed for that end, drew up their wise answer penned by the moderator, making that band to be unlawful, and

not obligatory of any; making those that will not subscribe censurable, and passing in those who subscribe what is bygone, and well buried by the committee of parliament. The banders that were present, Kinghorn, Seaforth, Lour, did presently subscribe. Mr Blair and Pollock were sent up to Montrose to acquaint him with what was past. He spoke to them with a great deal of respect to the assembly, seemed to insinuate his willingness to subscribe what the moderator and clerk would require. Some made the motion, which the moderator much applauded, that as some from the parliament had been very happy instruments to take some differences away, which were like to arise in the assembly; so it were meet to offer to the parliament the labours of any they thought meet in the assembly, to help to remove what difference was betwixt the members of parliament. This motion was from zeal to peace, but not upon consideration of present circumstances; that the difference was not betwixt any particular men, but alledged crimes of high treason against the state, which could not be by counsels, being cited, and they standing to their defence. Yet D. Strang and Mr Andrew Cant, who were to carry our answer to the parliament's question anent the band, were burdened with the foresaid overtures; the impertinency whereof the parliament miskent, and passed without an answer. All this passed on Monday before noon. The other motion, which on Saturday before noon perplexed us, was the moderator's petition of liberty to transport from Edinburgh. At the beginning we took it but for jest; but it proved earnest. He assured us, his voice was for no church in the town; that continually he was unhealthy there, and not so any where else: that to keep him there was to kill him; and that in the act of his transportation from Leuchars, there was an express clause of liberty for him to transport when the publick commotions were settled, if he found that town disagreeable with his health. The city of Edinburgh was extreme averse; beside the loss of that incomparable man, thought it a dangerous preparative to have any of their ministers transported by assemblies. They offered to buy him an house, with good air and yards; to preach only when he would; to go freely, if his health was not tolerable. They were so much the more averse, because St Andrew's sued at that time in a bill for his transportation to be principal of their college. He pressed his liberty, shewing his great errand out of England was troublesome. This reason from the assembly—some imputed his earnestness to some malecontentment from some of the wives speeches the last year of him for their well, against their humour in innovating; but he affirmed health was the only ground of his petition, and if it should not fail, notwithstanding of his liberty, he should not remove; and if he did, he would not go to St Andrew's, but to some quiet landward charge.

After noon there was a long debate for the presbytery of Sky. Glasgow assembly annexed it to the provincial of Argyle. Upon the petition of one, Edinburgh had annexed it to the provincial of Ross. They had kept neither. Argyle pleaded for the renewing the act of Glasgow; Seaforth for the sealing the act of Edinburgh. After long debating of reasons, it was referred by the commissioners of the assembly to the parliament to determine.

Monday the ninth, before noon, besides the things already said, the presbytery of Newcastle, wrote a letter of complaint, that there was a great neglect in many presbyteries to supply the annies with mnisters; it was provided for; The afternoon was our last session. The answers to the King's letter,



to the English letters, and to Durie's letter, were read. The drawing up the directions of the Catechism, of the Confession, of the Form of Government, these were laid on Mr Alexander. His liberty was voiced, and granted, to the no small miscontent of Edinburgh. Hence thanks were given to God for his sensible and most special assistance; 23d psalm sung. Next assembly voiced at St Andrew's July 27. Commissioners, to the number of thirty or forty, with some sixteen elders. Those of a province might serve by turns; so, after the first meeting, I got leave to go home.

You have here an account of the assembly, so far as my weak memory, without any notes to count of, can furnish. What I shall hear of the parliament, of Montrose's process, of the King's proceedings, who came here, to our great joy, on Saturday the 14th, you shall shortly receive. What information I got from London you have here inclosed; the evil illegal writ of Sir Thomas Dishington contains a journal of that parliament for some weeks.

ROBERT BAILLIE.

Kilwinning, August 20, 1641.

THE

## GENERAL ASSEMBLY,

AT ST ANDREW'S, 1642.

It is not necessary to recapitulate such of the proceedings of the immediately preceding Assembly as are introduced in the printed Acts. But a few particulars, not thus recorded, may be slightly adverted to.

Mr John Guthrie, the ousted Bishop of Moray, petitioned that Assembly that his benefice might be kept vacant for some time; but the Assembly disregarded his petition, and ordered his charge to be filled up, by the Presbytery of the bounds, without delay. They, however, reponed Mr Andrew Logic, who had been deposed by the Presbytery of Aberdeen; and overtures relative to the Universities (of which, to its credit, the Presbyterian Church never lost sight) were adopted, and ordered to be submitted to Parliament. The schism of the preceding year about private conventicles still continued; and their great patron, Mr Henry Guthrie, still fauned the flame, to quench which, it was necessary to "miskin" or overlook the Aberdeen Act upon the subject, and frame a new one against impiety and schism. A case of Conscience, though for a political purpose, was submitted to the Assembly by a deputation from Parliament, relative to a Bond into which Montrose and others had entered, and which was thought inconsistent with the Covenant. The Assembly not only gave a deliverance suited to the views of the predominant party in Parliament, but volunteered their advice and assistance to it, which, however, was declined. In consequence, probably, of the brotherly communings which had recently taken place betwixt the Scotch and English

nonconformists in London. A number of the latter wrote an Epistle to the Moderator touching Presbytery and Independency, and an answer was returned, intimating the unanimous adherence of the Scottish Church to Presbytery and its aversion to the other system; and a proposition was also mooted for framing a new Confession of Faith, Catechism, and Directory for public worship, &c., as a platform for an extension of Presbytery to England—a scheme which, ere long, was matured in the Westminster Assembly, and by the "Solemn League and Covenant," of which we shall have to treat on a future occasion.

Of the minor concerns, we may mention the appointment of a committee to adjust the state of the churches in Orkney, Zetland, Lochaber, and the Isles; an application for erecting the Presbytery of Biggar; the rejection of applications from Aberdeen to translate George Gillespie and Edward Wright from Glasgow, and an Assistant at Scots-craig—but, to quiet the murmurs of the applicants, they got John Oswald from Pencaitland, which made room for David Calderwood, the well-known chronicler of the Kirk, from Crailing in Teviotdale. Among the other removes that took place at that Assembly, Mr Andrew Ker was transferred from Carriden to Linlithgow, William Bennet to Edinburgh, and John Colins to Glasgow; and Alexander Henderson sought and obtained leave to retire from Edinburgh to a rural parish, of which permission, however, he never availed himself. During the sitting of that Assembly, an awkward occurrence took place in the person of a Mr Thomas Lamb, a minister in Peeblesshire, who, having killed a man on the road betwixt Leith and Edinburgh, was tried, condemned, and executed for the act. Many complaints by ministers for want of adequate stipends, were given in, and referred, as a matter of necessity, to the Parliament—the Church not having yet discovered any mode of accomplishing that object, otherwise than by the civil authority, although in these four last Assemblies it had assumed the prerogative of removing and transplanting ministers at its pleasure, without consulting either patrons or people, so far as we have been able to discover. Many matters were left over unfinished, and remitted to a Commission—the first, it has been alleged, (erroneously, we think,) in the history of the Church, on whom such powers were devolved. The Assembly terminated by appointing its next meeting at St Andrew's, on the 27th of July, 1642.

As already noticed in a preceding chapter, the treaty of peace betwixt the two kingdoms was concluded on the 7th of August 1641.\* Immediately after, on the 9th, his Majesty left London, and proceeded to Scotland. He arrived about the middle of that month at Edinburgh, having, in the course of his journey, interchanged courtesies with the chief of the Scottish army, which was still in the north of England. But his reception was far different in the Scottish capital from that which he had

\* Vide Documents.



experienced in 1633 on the occasion of his coronation. The Covenanters were now triumphant in all their pretensions, not solely by moral, but visibly by the influence of overbearing physical force. By the terms of the treaty, and its inevitable sequences, the executive sceptre was wrenched from the hand of the King; the prerogatives of monarchy were one and all extinguished in Scotland and assumed by the Estates; and, as he had formerly meditated the assumption of undue authority, he now tasted a bitter retribution. Charles, the descendant of above a hundred Scottish Kings, virtually bowed his "dis-crowned head" in the palace of his fathers, beneath the victorious banner of "THE COVENANT."

The Scottish Estates, which had been continued from time to time, reassembled on the 15th of July 1641, before the treaty was yet completed. The convention at first consisted of one hundred and forty-five members, of whom thirty-nine were of the nobility, forty-nine barons, and fifty-seven burgesses.\* Lord Burleigh was chosen President; and it was agreed on that the Estates should sit till the 17th of August, when the King or his Commissioner was expected to be present, and should prepare business, but not determine anything except the most urgent affairs for the public service. This Parliament was new-modelled, arbitrarily, (as indeed were all its proceedings from the first,) by the exclusion of the eldest sons of Peers, who previously had access to it—an exclusion which excited no little discontent among the rising aristocracy—and the Clergy, the Lords of Session, the Lord Advocate, and "all disaffected members," were debarred from taking any part in its deliberations; and, among other stretches of its assumed intrinsic power, it ordered Traquair's Declaration, as already noticed,† at the close of the Assembly 1639, to be delete from the register of Privy Council; as if such a proceeding could extinguish the document, which still stands on record, though partially obliterated. In short, it was a packed and arbitrary convention, having no legal authority, according to the ancient constitution of Scotland, until after the King had sanctioned its past and pending proceedings by an *ex post facto* concurrence, in terms of the concessions which had been extorted from him by the joint coercion of the House of Commons in England, and the Scotch Commissioners in London.

On the 17th of July, among their preparatory measures, proceedings against the *incendiaries* were commenced. These were John Earl of Traquair, Sir Robert Spottiswood of Dunipace,‡ Sir John Hay, Clerk-Register, Dr Walter Baleanquell, and John Maxwell, late Bishop of Ross; and in the list of the proscribed were James Earl of Montrose, Archibald Lord Napier, Sir George Stirling of Keir, and Sir Lewis Stewart of Blackhall.

\* Vide Balfour, vol. iii., pp. 4-9.

† Vide p. 235. Minutes of Parliament. Acts, vol. v., p. 360.

‡ Son of the Archbishop, and President of the Session.

It would be foreign to our task were we to enter on the grounds of imputation against these parties; and it belongs rather to the biography of the individuals, or the political history of the times, than to our humble track, to elucidate the nature and extent of their alleged offences against the compulsory unity prescribed by the Covenant and its rigid interpreters—armed with supreme and irresistible power. But we may be permitted to remark, that it is no ways surprising that good and honourable men, who, either as avowed friends of the King, or as honest Covenanters, in 1637, had voluntarily adopted, or from compulsion yielded to a predominant power, discovered good and sufficient grounds, in the interval of four years of intestine commotion, intrigue, and factious procedure—more especially after the invasion of England and the treaty in London—to shrink from following in the courses of the "Root and Branch" combination which had sprung up in both kingdoms during the past year. Without at all entering on the minutiae, we are not prepared to concur with some enthusiastic admirers of the Covenanters in condemning those proscribed individuals, because they deprecated or dissented from the radicalism (a modern term, but sufficiently intelligible) of the seventeenth century, being satisfied perhaps, as we believe they were, that it was not identical either with reform or religion, and that its spirit and its tendency were inevitably, as they proved to be at no distant period, subversive alike of a constitutional monarchy, and of the civil and religious liberties of the land. Betwixt the conclusion of the treaty of Berwick and that of London, the cause of the Covenant had entirely changed its character; and if men of the present day will study with calmness and impartiality the whole progress of these troubles, and examine carefully the acts of the Scotch Convention, and those of its negotiators, he cannot fail, we think, to discern, in the authentic records of Parliament and otherwise, the most conclusive proofs that that convention exercised an unlawful and despotical authority, and employed it for the most vindictive and selfish purposes. Let one of its decrees suffice as a test of the ruling power. The convention declared, that in the proceedings against the proscribed individuals, members of the house might be witnesses as well as judges!

But we proceed with the narrative of events. The King arrived at Holyrood about six o'clock in the afternoon of Saturday the 14th of August, having but a small attendance. The Palatine, however, with the Duke of Lennox, the Marquis of Hamilton, and Lord Willoughby, were in his train. On the Sunday following, he attended divine service in the Chapel-Royal, where Alexander Henderson officiated. The King, however, did not return in the afternoon; "but," says Balfour, "being wearied, reposed himself in private;" and Baillie tells us, with his wonted simplicity, that "being advertised by Mr Alexander, he promised not to do so again. Mr Alexander in the morning, and evening before



supper, daily says prayers, reads a chapter and sings a psalm, and says prayers again. The King hears all duly ; and we hear none of his complaints for want of a liturgy or any ceremonies. On Monday, the King came not abroad."

Balfour, however, with all the minuteness and circumstance befitting a " Lord Lion King-at-Arms," narrates a number of particulars. The King held a council, where it was discussed, whether there should be a " ryding" of the Parliament next day ; but, as may easily be conceived, the King had no spirit, in his present humiliating circumstances, to take part in a hollow-hearted pageant ; and it was resolved that he should hear sermon in the Abbey Church, and then proceed in his coach to the Parliament. " After Mr Andrew Ramsay's long sermon,"\* this course was adopted ; and we cannot better paint the scene than we find it in Balfour's Annals :†—

" The Marques Hamilton ves ordained to beare the croune, the Earle Argyle the scepter, and the Earle of Sutherland the suord.

" The Kinges Matie came to the hous about 11 houres, the heraulds preceeding the honors, and the trumpets them.

" At his Maties entrey wnto the hous, the Laird of Langtone, with a batton in his hand, went befor the honors as grate wsher, and offred to make ciuill interruptione for mantinance of his right aganist the Earle of Vigtonc. The King reteired to the inner rume in a choler, and ther subscribed a warrant to put the La : of Langtone in the castle.

" Then did his Matie enter the hous, and sitts him doune in his chaire, and, after a prayer said by Mr Alexander Hendersone, hes Matie kyndly saluting the housse, spake thus :—

" " My Lords and Gentlemen,

" " Ther hath beine nothing so displeassing to me, as thosse vnluckie differences wich of laite haue hapned betuix me and my subieets ; and nothing that I haue more desyred as to see this day, quherin I houe, not onlie to setle thesse vnhapey mistakinges, bot rightly to know and be knowen of my natue cuntry. I neid not tell you (for I think it is well knouen to most) quhat difficulties I haue passed by and ouercome to be heir at this tyme ; zet this I will say, that if loue to my natue cuntry had not beine a cheiffe motiue to this iorney, other respects might easily haue found a shift to doe that by a commissioner, wich I am come to performe myselue. Al this considered, I cannot doubt bot to find such reall testimonies of your affections for the mantinance of that royall pouer wich I doe inioy after a 108 discent, and wiche you haue so often professed to manteine, and to wich your auen nationall othe doeth oblige you, that I shall not thinke my paines ill bestowed. Nou the end of my coming is shortly this, to perfecte quhatsoever I haue promissed, and withall to quit thosse distractions wich haue and may fall out amongst you ;

and this I mynd not superficially, bot fully and cheirfully to doe ; for I assure you, that I cau doe noething vith more cheerfulness then to giue my people content and a generall satisfacione. Wherfor, not offring to indeere myselue to you in vords, (wich indeid is not my way,) I desyre, in the first place, to settle that wich concerns the religione and iust liberties of this my natue cuntry, befor I proceed to aney wther acte."

" The Lord Burlie, president of the parliament, in name of the housse, made a prettey speiche to hes Matie, of thanks for all the former demonstrationes of his goodnes, and expressiones of loue to his Maiesties ancient aud natue kingdome.

" And therafter the Earle of Argyle did second the president, with a short and pithy harraing, comparing this kingdome to a ship tossed in a tempestuous sea, thir zeires by past ; and seing his Maiesty had, lyke a skillfull pilote, in the tymes of most danger, steired her throughe so maney rockes and shelles, to saue anchor, he did humbly intreat his Matie that nou he wold not leaue her, (since that for her saftie he had giuen way to cast out some of the naughtiest baggage to lightin her,) bot be graciously pleased to setle her in her secure statione and harbour againe.

" Hes Matie offred to ratifie the 39 actes of this parl: 22 Junij, 1639 [40] which the housse humbly intreated hes Maiesty to superseid, till, according to the orders of the housse, they had taken them 24 houres to ther considerations ; wich with a declaratione insert in the recordes of parl: of hes Maties villingnes to doe that, and the housses earnest and humble supplicatione to his Matie for keiping the orders of the housse ; to wich he condescendit.

" The housse did humbly supplicat hes Matie that he wold not comitt Langtone to the castle, and so dismember ther housse. His Matie declared, that he [had] not done it for the respecte of aney subiecte, bot for the affront done to his auen persone, for intruding him in his seruice without acquainting hes Matie therwith. After much intretey, his Matie wes graciously pleased onlie to confyne him till to morrow to his auen chamber. So with a prayer, his Matie returned to his palace of Holyrudhousse to dinner.

" The croune, scepter, and suord, wer left in the parl: housse, in custodey of the Lordes Constable and Marishall till the last day of the parl: and ordained by his Matie eurey day to be produced, and by the Lyone K. of Armes layed one the table befor the throne."

Baillie's account is not less significant of the King's feelings on this occasion. " He spoke very graceously. The Preses and then Argyle answered him with cordial harangues of welcome. His Majesty offered presently, without delay, to put his sceptre to the thirty-uine Acts of Parliament enjoined in the treaty. He was intreated, according to the order of the house, to suspend till to-morrow ; at which time he pressed again that he might ratify the Acts. He was intreated to delay

\* Baillie, vol. i., p. 324.

† Vol. iii., p. 40.



till the return of the Commissioners, who were present at the treaty: at last he was intreated so to do." (Vide also Acts, vol. v., p. 362.)

The day following Balucrine was chosen President in place of Burlie—and the King consented to defer his ratification of the Acts passed on 22d of June 1640, till the return of the Scotch Commissioners; meanwhile, all the incendiaries who were tangible were imprisoned in the castle, and a variety of preparatory steps taken for energetic legislation; and the Covenant, as a matter of course, was displayed. On the 24th of August, the Treaty betwixt the Commissioners of both Kingdoms, ratified in the Parliament of England, was read; and the same day another Act of the English Parliament for payment of £110,000, of the "brotherly assistance" at Midsummer 1642, and a similar sum in 1643, was produced. Orders for disbanding the army, and paying it off were also issued. On the 25th of August, the King signed the treaty with England in face of Parliament. Next day, it was ratified as an Act, by touching with the sceptre, and the royal sign manual—ordered to be exemplified under the great seal—and delivered to the English Commissioners; and on the 28th, his Majesty, with consent of the Estates, ordained the Acts, passed in June 1640, being in number thirty-nine, to be published in his Majesty's name, in terms of the treaty.\*

And thus Charles I., with all these formal solemnities, ratified a series of statutes, which, up to that hour, were utterly destitute of legal sanction—abandoned all his ill-advised schemes of ecclesiastical policy, and substantially, as will speedily appear, relinquished the most important prerogatives of the crown—devolving its functions entirely into the hands of an encroaching and tyrannical popular convocation, whose sole authority was derived from the power of the sword, and not from the constitutional law of the land.

The extent to which the Estates meant to carry their pretensions, was speedily exemplified; for, on 6th September, the demand made by the Commissioners in March preceding, as to the appointment of the Officers of State, Privy Counsellors, and Lords of Session, was read in the house; and, on the 16th, the King signified to the Estates that he would nominate the executive officers of his government above alluded to, with "the advice" of the Estates; thus transferring the undoubted and constitutional prerogative, which, except in those troublous times, has ever belonged to the Sovereign of these realms, into the hands of the Parliament, and combining, in one popularly constituted and self-created body, both the legislative and executive functions: a system of government which has ever been found alike injurious to the cause of genuine freedom, and mischievous in its consequences to society, wherever it has existed. As might be expected, when "the house had received this gracious answer from his

Majesties owne mouth, they all arrosse, and bowed themselves to the ground."\* The results of this most unwise act of the King was speedily manifested in the appointments which followed.

On the 20th day of the same month, (vide Acts, vol. v., 406,) the King exhibited lists of privy-counsellors and officers of state, expressing a hope that the house would only state reasonable objections. Argyle, however, vehemently objected to Morton as chancellor. The latter retorted that for twenty years he had educated and protected Argyle, and had obtained for him the numerous beneficial possessions and honours which he enjoyed. The advice of the house was procrastinated; and on the 22d a proposal was made that the election of the officers of state and counsellors should take place "by billets or schedules," on the ground that "men, for feares or houpes, might stand in awe to use the liberty of their consciences!" The King justly remarked that, in his opinion, "that man that feared to voice free lie was not worthy to sitt in the House." There was much debate on the subject. Morton, to avoid dissension betwixt the King and the People, besought that his name as chancellor might be withdrawn; and subsequently his Majesty proposed Loudoun as chaucellor, and urged the house to give its fiat upon his list; and, at length, after much delay and heart-burning, Loudoun was named Lord Chancellor, with the unanimous concurrence of the house, but to the disappointment of Argyle, who evidently aspired to the office. During this interval, the struggles and intrigues which prevailed for place and for power, were incessant; and bitter jealousies among the "covenanted" statesmen, sprung up as rife as among men of less spiritual pretension. The treasury was put in commission, to divide the power and emolument among the parties, when Glencairu, Lindsay, and Argyle were fitted with places. Orbiston was patronised by Hamilton for the office of Clerk-Register, (Hay being under process,) while Johnston was the elect of his adherents; but, ultimately, Gibson of Durie was appointed and Johnston was dubbed a knight, and, for his consolation, appointed a Lord of Session, and Orbiston made Justice-Clerk. The Marquis of Huntly and eight other Lords nominated by the King, were superseded, and an equal number of the covenanting Lords substituted in their place as Members of Council. And, to make room for their friends, Sir Robert Spottiswood, (President of the Session,) Sir William Elphinston, (Justice-Clerk,) Sir John Hay, and Sir Patrick Nisbit, were removed as judges, and Leslie of Newton, Sir Thomas Hope, (the Lord Advocate's son,) Hepburn of Huntly, and Johnston appointed in their stead. Having now moulded the executive departments to their own satisfaction, and reduced the royal authority to a shadow, the Parliament proceeded in the work of reformation at a rapid pace. The conformation of the executive at that time being eminently illustrative of the spirit

\* Vide Acts, vol. v., p. 370, 371, &c.

\* Balfour, vol. iii., p. 65.



of the Scottish Estates, we subjoin, in a note, a list of the functionaries who were installed under the first reformed Parliament of Charles I.,\* leaving all details of Parliamentary proceedings and squabbles among the jarring factions which then prevailed, to be gathered from the appropriate chronicles of the times.

While the King was resident in Scotland during these transactions, and harrassed by the unceasing turmoils among the leading men in his northern parliament, and tortured with the rising flame of faction in England, the natural effects of those commotions, and the total disruption of society in Britain, were fearfully developed in Ireland. On the 1st of November 1641, his Majesty received, by express, accounts of a rebellion and widely extended massacre by the Papists of Ireland, of his Protestant subjects in that portion of his empire. Of that rebellion we shall extract an account from the pages

\* The following lists of officers of state, &c., (from Balfour's Aunals, vol. iii., p. 148,) when compared with the rolls of the Assemblies in 1638 and 1639 shew, that the former of these, (and, indeed, the latter, too,) were quite as much political as ecclesiastical conventions. The *lay leaders* of the Tables, and in the Assemblies, were just the identical persons who had mounted on the ecclesiastical ladder to political power and place:—

“The 3 estaits of parl: hes delett out of the roll of counsellors giuen in by hes Maiesty, thesse following—viz., George, Marques of Huntley; Villiam, Earle of Airth and Menteth; Alexander, Earle of Linlithgow; James, Earle of Home; Patrick, Earle of Tullibardyne; Alexander, Earle of Galloway; Villiam, Earle of Dumfreis; Robert, Earle of Carnwath. And in ther places the 3 estaits did put in Johnne, Earle of Sutherland; Villiam, Earle of Louthean; Alex: Earle of Dalhousie; Johnne, Lord Zester; Johnne, Lord St. Claire; Johnne, Lord Balmerinache; Robert, Lord Burlie.

“Acte anent the nominatione and electione of the counsellours votted and past, according to this subsequent roll:—James, Duck of Lennox and Richmond; James, Marq: of Hamilton; Archbald, Earle of Argyle; Villiam, Earle of Marishall; Johnne, Earle of Sutherland; Johnne, Earle of Mar; Alex: Earle of Eglintone; Johnne, Earle of Cassiles; Villiam, Earle of Glencairne; James, Earle of Murray; Johnne, Earle of Perth; Charles, Earle of Dumfermling; Johnne, Earle of Vigtone; Johnne, Earle of Kiugorne; George, Earle of Seaforte; Johnne, Earle of Lauderdale; George, Earle of Kinnoule; Villiam, Earle of Louthean; David, Earle of Southeske; John, Earle of Wymecs; Alex: Earle of Dalhousie; James, Earle of Finlater; Alexander, Earle of Leuin; Archbald, Lo: Angus; Johnne, Lo: Lindesay; Johnne, Lo: Zester; Johnne, Lo: St. Claire; Alex: Lo: Elphinstone; Johnne, Lo: Balmerinoche; Robert, Lo: Burlie; James, Lo: Amont; Alexand<sup>r</sup>, Lo: Balcarras; S<sup>r</sup> Robert Gordon, Vice Chamberlaine; S<sup>r</sup> Patrick Hepburne of Vaughtone; S<sup>r</sup> William Douglas of Cauers; S<sup>r</sup> Ja: Dundas of the same; Thomas Myrtone of Camwo; S<sup>r</sup> David Grhame of Fintrey; S<sup>r</sup> Johnne Erskyne of Dune; S<sup>r</sup> Robert Grhame of Morphie; S<sup>r</sup> Robert Innes of the same; Prouest of dinbrughe for the tyme.

“Acte anent the nominatione and electione of thesse officers of estait retained in ther places, votted

of Hume, whose liberality will scarcely be called in question by the most liberal parties of the present day, in regard to religious sects of all sorts;\* and this we prefer to any attempt of our own, lest our Presbyterian leanings might subject us to misconstruction in exhibiting the characteristics of that atrocious occurrence. It is an episode, doubtless, in the annals of the Church of Scotland, but an episode, closely connected with that history, and full of instruction at the present day—and not the less so that the conflagration which overspread Ireland with horrors, was kindled by the fires which were first lighted up on Dunse Law and at Newburn. The moral of that sad tale may be practically applied with important benefit in the passing hour, when disruption in our constitutional establishments is imminent, when democracy is stalking abroad with its torch and its dagger, and when incendiarism and murder are perpetrated in Ireland to an appalling extent with impunity, and seemingly beyond the reach of repression in that devoted land.

“After Strafford fell a victim to popular rage, the

and past according to this ensewing roll, they all beuing includit within the roll of counsellors also, viz:—

“1. Jo: Lord Loudon, Chancelour;

“2. Commissioners for the office of Thesaurer, 3 of them to be a coram, votted, viz.:—Chancelour, Argyle, Glencairne, Lindesay, Th<sup>rs</sup> depute.

“3. Earle of Roxbrughe, Lo: Priuey Seall;

“4. Earle Lanricke, Secretarey;

“5. Mr Alex: Gibsone of Durie, Clerke Register;

“6. S<sup>r</sup> Tho: Hope of Craighall, Aduocat;

“7. S<sup>r</sup> Jo: Hamilton of Orbeston, Justice Clerke;

“8. S<sup>r</sup> Ja: Carmichell of the same, Th<sup>rs</sup> depute;

“9. S<sup>r</sup> Ja: Galloway, Master of Requysts.

“Supernumerary counsellours, so called in his Maiesties rolls, wotted and approuen by the housse, wer:—Thomas Houard, Earle of Arundaill; Philippe Herbert, Earle of Pembroke and Montgomery; Villiam Cicill, Earle of Sarisbury; Henrey Riche, Earle of Holland; Lord Villoughbie; Eduard, Lord Houard; S<sup>r</sup> Henrey Vaine, Secretarey for England; S<sup>r</sup> Johnne Cooke, knight.

“Acte anent the nominatione and electione of the ordinar and extraordinar Lordes of the Session, conforme to this roll, votted and approuen by the housse:—S<sup>r</sup> George Erskyne of Innerteill; S<sup>r</sup> Alex: Gibsone of Durie, elder; S<sup>r</sup> Audrow Fletcher of Innerpepher; S<sup>r</sup> James Lermouth of Balcomey; S<sup>r</sup> George Halibrunton of Fodrens; S<sup>r</sup> James Mackgill of Cranston-Ridell; S<sup>r</sup> Johnne Hope of Craghall; S<sup>r</sup> Johnne Hamilton of Orbestone; S<sup>r</sup> John Scott of Scottstaruett; Sir James Carmichell of the same; S<sup>r</sup> Alex: Falconer of Halcartone. Thesse foure following, by the estaits wer putt from ther places in Sessione, for crymes lybelled aganist them:—S<sup>r</sup> Rob: Spotswood, President; S<sup>r</sup> Jo: Hay, Clerke Register; S<sup>r</sup> Vill: Elphinstone, Justice Generall; S<sup>r</sup> Patrick Nisbett of Eastbancke. And in the place of thir forsaid foure, the estaitts put in John Lesley of Neutone; S<sup>r</sup> Thomas Hope of Kers; Mr Adam Hepburne of Humble; Mr Archbald Ihonstone, Clerke of the Generall Assembly.

Extraordiunary Lordes of the Sessione, wotted and approuen by the housse this day, wer:—E. Argyle, L. Angus, L. Lindesay, L. Balmerinoche.”

\* Hume's History, vol. vii., pp. 5-14.



humors excited in Ireland by that great event could not be suddenly composed, but continued to produce the greatest innovations in the government.

"The British Protestants, transplanted in Ireland, having every moment before their eyes all the horrors of Popery, had naturally been carried into the opposite extreme, and had universally adopted the highest principles and practices of the Puritans: monarchy, as well as the hierarchy, was become odious to them; and every method of limiting the authority of the Crown, and detaching themselves from the King of England, was greedily adopted and pursued. They considered not, that as they scarcely formed the sixth part of the people, and were secretly obnoxious to the ancient inhabitants, their only method of supporting themselves was by maintaining royal authority, and preserving a great dependence on their mother-country. The English Commons, likewise, in their furious persecution of Strafford, had overlooked the most obvious consequences; and, while they imputed to him, as a crime, every discretionary act of authority, they despoiled all succeeding governors of that power, by which alone the Irish could be retained in subjection: and so strong was the current for popular government in all the three kingdoms, that the most established maxims of policy were everywhere abandoned, in order to gratify this ruling passion.

"Charles, unable to resist, had been obliged to yield to the Irish, as to the Scottish and English Parliaments; and found, too, that their encroachments still rose in proportion to his concessions. Those subsidies, which themselves had voted, they reduced by a subsequent vote to a fourth part: the court of high commission was determined to be a grievance; martial law abolished; the jurisdiction of the council annihilated; proclamations and acts of state declared of no authority; every order or institution, which depended on monarchy, was invaded; and the prince was despoiled of all his prerogative, without the least pretext of any violence or illegality in his administration.

"The old Irish remarked all these false steps of the English, and resolved to take advantage of them. Though their animosity against that nation, for want of an occasion to exert itself, seemed to be extinguished, it was only composed into a temporary and deceitful tranquillity: their interests, both with regard to property and religion, secretly stimulated them to a revolt. No individual of any sept, according to the ancient customs, had the property of any particular estate; but as the whole sept had a title to a whole territory, they ignorantly preferred this barbarous community before the more secure and narrower possessions assigned them by the English. An indulgence, amounting almost to a toleration, had been given to the Catholic religion: but so long as the churches and the ecclesiastical revenues were kept from the priests, and they were obliged to endure the neighbourhood of profane heretics, being themselves discontented, they con-

tinually endeavoured to retard any cordial reconciliations between the English and the Irish nations.

"There was a gentleman called Roger More, who, though of a narrow fortune, was descended from an ancient Irish family, and was much celebrated among his countrymen for valour and capacity: this man first formed the project of expelling the English, and asserting the independency of his native country. He secretly went from chieftain to chieftain, and roused up every latent principle of discontent: he maintained a close correspondence with Lord Maguire and Sir Phelim O'Neale, the most powerful of the old Irish: by conversation, by letters, by his emissaries, he represented to his countrymen the motives of a revolt. He observed to them, that by the rebellion of the Scots, and factions of the English, the King's authority in Britain was reduced to so low a condition, that he never could exert himself with any vigour in maintaining the English dominion over Ireland; that the Catholics in the Irish House of Commons, assisted by the Protestants, had so diminished the royal prerogative and the power of the lieutenant, as would much facilitate the conducting, to its desired effect, any conspiracy or combination which could be formed; that the Scots, having so successfully thrown off dependence on the crown of England, and assumed the government into their own hands, had set an example to the Irish, who had so much greater oppressions to complain of; that the English planters, who had expelled them their possessions, suppressed their religion, and bereaved them of their liberties, were but a handful in comparison of the natives; that they lived in the most supine security, interspersed with their numerous enemies, trusting to the protection of a small army, which was itself scattered in inconsiderable divisions throughout the whole kingdom; that a great body of men, disciplined by the government, were now thrown loose, and were ready for any daring or desperate enterprise; that though the Catholics had hitherto enjoyed, in some tolerable measure, the exercise of their religion from the moderation of their indulgent prince, they must henceforth expect that the government will be conducted by other maxims and other principles; that the puritanical parliament, having at length subdued their sovereign, would, no doubt, as soon as they had consolidated their authority, extend their ambitious enterprises to Ireland, and make the Catholics in that Kingdom, feel the same furious persecution to which their brethren in England were at present exposed; and that a revolt in the Irish, tending only to vindicate their native liberty against the violence of foreign invaders, could never, at any time, be deemed rebellion; much less during the present confusion, when their prince was, in a manner, a prisoner; and obedience must be paid, not to him, but to those who had traitorously usurped his lawful authority.

"By these considerations, More engaged all the heads of the native Irish into the conspiracy. The English of the pale, as they were called, or the old



English planters, being all Catholics, it was hoped would afterwards join the party, which restored their religion to its ancient splendour and authority. The intention was, that Sir Phelim O'Neale and the other conspirators, should begin an insurrection on one day throughout the provinces, and should attack all the English settlements; and that, on the same day, Lord Maguire and Roger More should surprise the castle of Dublin. The commencement of the revolt was fixed on the approach of winter, that there might be more difficulty in transporting forces from England: succours to themselves and supplies of arms they expected from France, in consequence of a promise made them by Cardinal Richelieu; and many Irish officers, who served in the Spanish troops, had engaged to join them as soon as they saw an insurrection entered on by their Catholic brethren. News, which every day arrived from England, of the fury expressed by the Commons against all Papists, struck fresh terror into the Irish nation, and both stimulated the conspirators to execute their fatal purpose, and gave them assured hopes of the concurrence of all their countrymen.

"Such propensity to a revolt was discovered in all the Irish, that it was deemed unnecessary as it was dangerous to entrust the secret to many hands; and the appointed day drew nigh, nor had any discovery been yet made to the government. The king, indeed, had received information from his ambassadors, that something was in agitation among the Irish in foreign parts; but, though he gave warning to the administration in Ireland, the intelligence was entirely neglected: secret rumours likewise were heard of some approaching conspiracy; but no attention was paid to them. The Earl of Leicester, whom the King had appointed lieutenant, remained in London: the two justices, Sir William Parsons and Sir John Borlace, were men of small abilities; and, by an inconvenience common to all factious times, owed their advancement to nothing but their zeal for the party by whom everything was now governed. Tranquil from their ignorance and inexperience, these men indulged themselves in the most profound repose on the very brink of destruction.

"But they were awakened from their security on the very day before that which was appointed for the commencement of hostilities.\* The castle of Dublin, by which the capital was commanded, contained arms for 10,000 men, with thirty-five pieces of cannon and a proportionable quantity of ammunition: yet was this important place guarded, and that too without any care, by no greater force than fifty men. Maguire and More were already in town with a numerous band of their partisans; others were expected that night: and, next morning, they were to enter on what they esteemed the easiest of all enterprises, the surprisal of the castle. O'Conolly, an Irishman, but a Protestant, betrayed the conspiracy to Parsons: the justices and council fled immediately for safety into the castle, and rein-

forced the guards: the alarm was conveyed to the city, and all the Protestants prepared for defence. More escaped; Maguire was taken; and Mahone, one of the conspirators, being likewise seized, first discovered to the justices the project of a general insurrection, and redoubled the apprehensions which already were universally diffused throughout Dublin.

"But though O'Conolly's discovery saved the castle from a surprise, the confession extorted from Mahone came too late to prevent the intended insurrection. O'Neale and his confederates had already taken arms in Ulster: the Irish, everywhere intermingled with the English, needed but a hint from their leaders and priests to begin hostilities against a people whom they hated on account of their religion, and envied for their riches and prosperity. The houses, cattle, goods of the unwary English were first seized: those who heard of the commotions in their neighbourhood, instead of deserting their habitations, and assembling for mutual protection, remained at home, in hopes of defending their property; and fell thus separately into the hands of their enemies. After rapacity had fully exerted itself, cruelty—and the most barbarous that ever in any nation was known or heard of—began its operations: a universal massacre commenced of the English, now defenceless, and passively resigned to their inhuman foes: no age, no sex, no condition was spared: the wife, weeping for her butchered husband, and embracing her helpless children, was pierced with them, and perished by the same stroke: the old, the young, the vigorous, the infirm, underwent a like fate, and were confounded in one common ruin. In vain did flight save from the first assault; destruction was everywhere let loose, and met the hunted victims at every turn: in vain was recourse had to relations, to companions, to friends: all connections were dissolved, and death was dealt by that hand from which protection was implored and expected. Without provocation, without opposition, the astonished English, living in profound peace and full security, were massacred by their nearest neighbours, with whom they had long upheld a continual intercourse of kindness and good offices.

"But death was the slightest punishment inflicted by those rebels: all the tortures which wanton cruelty could devise, all the lingering pains of body, the anguish of mind, the agonies of despair, could not satiate revenge excited without injury, and cruelty derived from no cause. To enter into particulars would shock the least delicate humanity: such enormities, though attested by undoubted evidence, appear almost incredible: depraved nature, even perverted religion, encouraged by the utmost license, reach not to such a pitch of ferocity; unless the pity inherent in human breasts be destroyed by that contagion of example, which transports men beyond all the usual motives of conduct and behaviour.

"The weaker sex themselves, naturally tender to their own sufferings and compassionate to those of others, here emulated their more robust companions in the practice of every cruelty: even children,

\* Oct. 22, 1641. Rush. vol. iv., p. 399.



taught by the example, and encouraged by the exhortation of their parents, essayed their feeble blows on the dead carcasses or defenceless children of the English. The very avarice of the Irish was not a sufficient restraint of their cruelty: such was their frenzy, that the cattle which they had seized, and by rapine made their own, yet, because they bore the name of English, were wantonly slaughtered, or, when covered with wounds, turned loose into the woods and deserts.

“The stately buildings or commodious habitations of the planters, as if upraising the sloth and ignorance of the natives, were consumed with fire, or laid level with the ground; and where the miserable owners, shut up in their houses, and preparing for defence, perished in the flames, together with their wives and children, a double triumph was afforded to their insulting foes.

“If any where a number assembled together, and, assuming courage from despair, were resolved to sweeten death by revenge on their assassins; they were disarmed by capitulations and promises of safety, confirmed by the most solemn oaths: but no sooner had they surrendered, than the rebels, with perfidy equal to their cruelty, made them share the fate of their unhappy countrymen.

“Others, more ingenious still in their barbarity, tempted their prisoners by the fond love of life, to imbrue their hands in the blood of friends, brothers, parents; and having thus rendered them accomplices in guilt, gave them that death which they sought to shun by deserving it.

“Amidst all these enormities, the sacred name of religion resounded on every side; not to stop the hands of these murderers, but to enforce their blows, and to steel their hearts against every movement of human or social sympathy. The English, as heretics, abhorred of God, and detestable to all holy men, were marked out by the priests for slaughter; and, of all actions, to rid the world of these declared enemies to Catholic faith and piety, was represented as the most meritorious. Nature, which, in that rude people, was sufficiently inclined to atrocious deeds, was farther stimulated by precept, and national prejudices empoisoned by those aversions, more deadly and incurable, which arose from an enraged superstition. While death finished the sufferings of each victim, the bigoted assassins, with joy and exultation, still echoed in his expiring ears, that these agonies were but the commencement of torments infinite and eternal.

“Such were the barbarities by which Sir Phelim O’Neale and the Irish in Ulster signalised their rebellion:—an event memorable in the annals of humankind, and worthy to be held in perpetual detestation and abhorrence. The generous nature of More was shocked at the recital of such enormous cruelties: he flew to O’Neale’s camp; but found that his authority, which was sufficient to excite the Irish to an insurrection, was too feeble to restrain their inhumanity. Soon after, he abandoned a cause polluted by so many crimes, and he retired into

Flanders: Sir Phelim, recommended by the greatness of his family, and perhaps too by the unrestrained brutality of his nature, though without any courage or capacity, acquired the entire ascendant over the northern rebels. The English colonies were totally annihilated in the open country of Ulster: the Scots, at first, met with more favourable treatment. In order to engage them to a passive neutrality, the Irish pretended to distinguish between the British nations; and, claiming friendship and consanguinity with the Scots, extended not over them the fury of their massacres. Many of them found an opportunity to fly the country: others retired into places of security, and prepared themselves for defence: and by this means, the Scottish planters, most of them at least, escaped with their lives.

“From Ulster, the flames of rebellion diffused themselves in an instant over the other three provinces of Ireland: in all places death and slaughter were not uncommon, though the Irish in these other provinces pretended to act with moderation and humanity—but cruel and barbarous was their humanity. Not content with expelling the English their houses, with despoiling them of their goodly manors, with wasting their cultivated fields, they stripped them of their very clothes, and turned them out, naked and defenceless, to all the severities of the season. The heavens themselves, as if conspiring against that unhappy people, were armed with cold and tempest unusual to the climate, and executed what the merciless sword had left unfinished. The roads were covered with crowds of naked English, hastening towards Dublin and the other cities which yet remained in the hands of their countrymen: the feeble age of children, the tender sex of women, soon sunk under the multiplied rigours of cold and hunger. Here, the husband, bidding a final adieu to his expiring family, envied them that fate which he himself expected so soon to share: there, the son, having long supported his aged parent, with reluctance obeyed his last commands; and, abandoning him in his uttermost distress, reserved himself to the hopes of avenging that death which all his efforts could not prevent or delay. The astonishing greatness of the calamity deprived the sufferers of any relief from the view of companions in affliction: with silent tears or lamentable cries, they hurried on through the hostile territories; and found every heart which was not steeled by native barbarity, guarded by the more implacable furies of mistaken piety and religion.

“The saving of Dublin preserved in Ireland the remains of the English name: the gates of that city, though timorously opened, received the wretched supplicants, and presented to the view a scene of human misery beyond what any eye had ever before beheld. Compassion seized the amazed inhabitants, aggravated with the fear of like calamities; while they observed the numerous foes without and within which everywhere environed them and reflected on the weak resources by which they were themselves supported. The more vigorous of



the unhappy fugitives, to the number of 3000, were enlisted into three regiments: the rest were distributed into the houses; and all care was taken, by diet and warmth, to recruit their feeble and torpid limbs: diseases of unknown name and species, derived from these multiplied distresses, seized many of them, and put a speedy period to their lives: others, having now leisure to reflect on their mighty loss of friends and fortune, cursed that being which they had saved. Abandoning themselves to despair, refusing all succour, they expired; without other consolation than that of receiving among their countrymen, the honours of a grave, which to their slaughtered companions had been denied by the inhuman barbarians.

“By some computations, those who perished by all these cruelties, are supposed to be 150,000, or 200,000; by the most moderate, and probably the most reasonable account, they are made to amount to 40,000; if this estimation itself be not, as is usual in such cases, somewhat exaggerated.”

Such were the calamitous circumstances in which the Kingdoms of Britain and Ireland were placed at the period to which we now refer, arising, primarily, from the mistaken policy of the King, in attempting to rule the nations under his sway, (in which the seeds of public liberty had been planted at the time of the Reformation, and had become widely disseminated,) solely by virtue of the royal prerogative, suited only to a very different state of society. The dissolution and entire disuse of Parliaments in England, the wealthier of his Kingdoms—his rash attempt to enforce, by mere authority, an equivocal system of Episcopacy in Scotland—the results of these several unfortunate measures, which we have already detailed—and the fatal error which he committed in sacrificing one of his most heroic and devoted friends, Strafford, to the antipathy of the English Puritans and Republicans—combined to produce the lamentable state of affairs which we are now contemplating; and, assuredly, if ever a human being, in the whole range of history, has claims on our commiseration, that man was Charles I., when, in the month of November 1641, the tidings of this horrible carnage in Ireland reached him, at Holyrood, in the palace of his ancestors, and in the bosom of his fatherland, of which he was now, indeed, but a nominal sovereign. We pause not to detail the particulars of those jealousies and jarrings, the “plots” and “incidents,” which at the moment surrounded him in Scotland, or awaited him in England, on his return thither, of which ample accounts are elsewhere to be found. On receiving the news of the Irish massacre, the King immediately went to the Parliament House and communicated the intelligence, calling on the Estates to co-operate with the Parliament of England in suppressing this frightful rebellion. And although he repeatedly urged them to the dispatch of business, that he might return to England in the exigency of these complicated national affairs, it was not until the 17th day thereafter that he was

enabled to prorogue the Parliament—the intermediate time being consumed in an infinite variety of legislative proceedings, many of them trivial, but others of them eminently calculated to consolidate the supremacy of the Estates, and to benefit and strengthen the Presbyterian Church now firmly established. The first long parliament of Scotland was adjourned on the 17th of November 1641, and continued till the 1st Tuesday of June 1644.\* The King entertained all the nobility in the great banquet-hall of the palace, in the evening—after having previously bestowed honours on the chiefs among them; and early next morning, he set out on his journey towards London, never to revisit the home of his fathers, or to look with patriotic emotion on the hills of his native land.

Without enumerating all the public Statutes of this Parliament, it is important to notice some of them, and the acts of grace and favour bestowed by the King, during his residence, on that occasion.

Among the honours conferred, the Earl of Argyle was created a Marquis; the Lords Loudoun and Lindsay, and General Leslie, were promoted to the rank of Earls; and, to grace the elevation of the man who had twice been the leader in baffling his King in the field, four of his attendants were knighted. Balmerino was overlooked in this distribution of titles, and Rothes was cut off by death, from reaping, in a higher title, the first fruits of his exertions to shear the crown of its beams; thus eluding, too, the unpopularity which was impending over him, as a backslider in the cause of the Covenant. In this particular he was not singular; for Dunfermline and the Lairds of Waughton, Cavers, Riccarton, and others, besides Montrose and his “banders,” fell into discredit, on account of their “cauldrikeness” in the cause; whilst Hamilton, Traquair, and others were destined to suffer all the varieties of fortune, which political revolutions and popular favour, alternately and invariably exhibit.

But these were not the only boons which were bestowed by Charles on his Scottish subjects, and which called forth from the Lord Chancellor, Loudoun, and Sir Thomas Hope, in the face and name of Parliament, at its close, the grateful declaration, that his Majesty had given his Estates satisfaction in all things concerning religion and liberty, and that he was about to depart “a contented king from a contented country.” Among the more substantial largesses on this occasion, General Leslie, now Earl of Leven, obtained 100,000 merks out of the “brotherly assistance;” Alexander Henderson received a gift of the revenues belonging to the dean of the chapel royal; while other leading men, cities and universities, cast lots for the garments which had previously clothed the Episcopal establishment. The bishopricks and deanery of Edinburgh and Orkney, were bestowed on the university of Edinburgh. That of St Andrew’s obtained £1000 sterling per annum, out of the bishoprick and priory

\* Acts, vol v., p. 519.



of St Andrew's. The bishoprick of Galloway, and spirituality of Glasgow were given to its college, while the temporalities of the latter were bestowed on the Duke of Lennox. The old college of Aberdeen got its bishoprick revenues. The town of Perth got a moiety of the revenues of Dunkeld, to build a bridge over the Tay; the Hammermen of Edinburgh (doubtless for services in their own department) receiving the remainder. Argyle secured the revenues of that see and of the Isles, whilst Ross, Moray, and Caithness, were distributed amongst other zealous friends of the cause. These vulgar facts go far to explain some of the public phenomena of "the Second Reformation," and to account for the zeal which had been manifested under the banner, with "Christ's Crown and Covenant, in letters of gold," inscribed upon its foldings. For the working clergy—for the Church, in its ordinary acceptation, nothing was done in this scramble for a share of the plunder; but the discontent thus excited, was partially allayed by the appointment of a Commission to value the tithes, and grant augmentations to the parish ministers—a barren and unfruitful gift, which left many of the Presbyterian clergy, for a long period, in a state approaching to pauperism, until within the last thirty years, that a decent provision was made for the maintenance of the Scottish Church, by an act of the British Parliament.\*

The only other act of the King and Estates of Scotland in 1641, to which our attention is more especially called at present, is that by which a commission of that body was appointed as Conservators of the late treaty of peace with England, and under this guise invested with all the executive powers of the Crown, and the functions of Parliament. It consisted of fifty-six members, of whom seventeen were peers, twenty-one barons, and eighteen burgesses, any twelve of them a quorum; and on this junta was devolved, for the space of three years, with all the formalities of law, the supreme authority of the state, enabling them to levy men and taxes, and exercise uncontrolled sway over the land as they listed. Henceforward the Scottish monarchy was in abeyance, and the kingly authority and prerogatives extinguished, and the government vested in a motley oligarchy, to whose unlimited sway, no constitutional check was provided, save the remote contingency of rendering an account of their conduct to a full Parliament, to be held at the distance of three years thereafter. This extraordinary arrangement has been lauded by some historians, as a wise and safe measure; but we take leave to dissent from the theory, and to think that, had the royal prerogative of calling parliaments, not been thus practically abrogated for a time, many of the calamities which ensued in both kingdoms, might have been averted or greatly softened in their character.

But leaving Scotland, for the present, under the sway of its Parliamentary Commission, our attention is unavoidably called to the state of matters in

England, after the King returned thither on the 25th of November. On that occasion he was warmly welcomed by the citizens of London, and sumptuously banqueted by the corporation, which His Majesty requited by bestowing honours on the chief functionaries. The amicable termination of the Scottish Parliament, and the prostration of royal authority which had there taken place, inspired the English malcontents at once with jealousy, lest their own schemes might eventually be thwarted by a good understanding betwixt Charles and his Scottish subjects—and with hopes that, by intimidation and coercion, they might constrain him into a similar subjection to their own designs. For this purpose, and in striking contrast with the professions of loyalty which had greeted the King's return to Whitehall, the Commons appointed a committee to draw up a catalogue of grievances, which, when finally concocted in the shape of a "Remonstrance," contained no fewer than 206 articles of accusation, enumerating almost every act of the King since his accession, as infringements of the liberties of the people. This remonstrance, or rather impeachment, was presented to the King, calling on him, amongst other unconstitutional propositions, to concur in ejecting the bishops from the House of Peers; and, without consulting the other branch of the legislature on the subject, the Commons, in violation of all the usages of Parliament, printed and dispersed it over the country, thereby exciting an agitation, and spreading this firebrand of sedition throughout the whole land. Proceedings of a most violent nature were also instituted against the bishops who had recently absented themselves from Parliament under protest, being deterred from attendance by the violence of the mob, which had been incited by the usual methods to insult and assail them personally. And the collision betwixt the King and the Commons was brought to a crisis by His Majesty going to the house in person, to arrest with an armed force, five of its members, as guilty of high treason, by reason of the part which they had acted in various matters. In this he failed—the objects of his resentment having escaped from the effects of his immediate and natural resentment. Failing in his object, the irritation of the Commons was unbounded, and the populace was so much excited by the alarm, real or affected, of the Commons, lest their personal safety and their privileges were endangered, that the King, to avoid indignity and outrage to himself and his family, (on January 10,) left Whitehall and retired to Hampton Court—a removal which afforded to the Commons and their supporters, the populace of London, a great advantage over him. The Commons had impeached the Bishops, and the King had impeached Lord Kimbolton, Hampden, Pym, and others of the Commons, as guilty of high treason; one chief ground of the latter being an accusation against them, that the Scots invasion had been mainly occasioned by their invitation and encouragement, of which it has been said that Montrose furnished the King with information.

\* 50 George III., c. 89, 15th June, 1810.



During the progress of these agitations in England, the spirit which guided them extended to Scotland; and the multitude, who, once excited by popular movements, are ever liable to sudden impulses from incendiary excitement elsewhere, joined in the clamours of the English malcontents, threatening to carry another crusade into England, and to aid in the subversion of its Church, and against the King—a project in which they were countenanced by too many of the Scotch clergy and politicians of the day. Even Henderson, the best, and, perhaps, the brightest man of which Scotland could then boast, incurred unpopularity for opposing this piece of extravagance. Balmerino, Lothian, Lindsay, Archibald Johuston, and Hope the younger, having been sent up by the Scotch Committee of Estates, to negotiate with the English Parliament about sending troops to Ireland, were not contented to restrict themselves within the limits of their commission, but renewed their intrigues (as during the progress of the treaty of peace,) with the wildest of the English incendiaries; and, on the 15th of January, 1642, had the audacity, under a pretext of mediating betwixt the King and his English Parliament, to make written communications to both, embodying the sentiments which they cherished, for the destruction of Episcopacy in England and the planting of Presbytery in its stead. A theory was then prevalent, which has been revived even in more recent times, that Presbytery is clothed with a *jus divinum*—that it alone and exclusively is the form of church-government sanctioned by Scripture—and that it was the bounden duty of its professors, like the Propaganda of Rome, to exert themselves in its extension to all the nations of the earth. This phantasy was evidently not merely inconsistent, but irreconcilable with the maxims on which they themselves had avowedly acted in resisting the imposition of the Service Book and Episcopal Canons on Scotland: but no incongruity of principle or conduct is too gross for fanatics of any sort; and, as remarked by Dr Cook, “their vehement complaints against the Church of England are entitled to as little attention as the contemptuous aspersions which the zealots for prelacy, even at the present day, cast upon every form of ecclesiastical polity different from their own.” The King indignantly prohibited such officious interferences, and, on the 26th of the same month, wrote to the Chancellor of Scotland, requesting that the Council would prohibit these mischievous meddlers from indulging in such practices.\* The Parliament, however, received this intervention most graciously, encouraged their sympathizing testimonies, and opened a correspondence with the most bustling Covenanters in Scotland, to secure co-operation and support in their destructive projects.†

The differences betwixt the King and his English Parliament had now assumed a very decisive character; and for some time, it had been evident

that no accommodation could be effected otherwise than by the *ultima ratio*—the sword. The King proceeded to York on the 10th of March; and, on the 23d day of April, went to Hull, with an attendance of 300 cavalry, his usual guard; but Sir John Hotham, the Governor, refused him admission within its walls with more than twelve attendants, assigning as his warrant an order from the Parliament.\* The King pronounced him a traitor; and thus the civil war in England may be said to have commenced.

A very unprofitable question has often been agitated with regard to who began the civil war. In this particular stage of it, however, there seems to be no room for doubt: by the pretensions of the Parliament, or rather of the House of Commons, to the entire control over the militia and army, which the King refused to concede, but more especially by this mandate to the governor of Hull, to refuse admission to their sovereign, with such a military attendance as he might deem fitting—that body usurped a prerogative inherent in the crown from the earliest times of the monarchy, and inseparable from the supreme executive authority in every country.

Whatever may be said by partisan advocates as to the King's intentions—of his procuring military munitions, pledging the crown jewels for these and such like pretexts—all these apologies for the Commons are utterly irrelevant; and the logic by which they are enforced, is akin to that by which the same faction, in a decree of constructive treason, converted a cluster of insufficient facts into an offence, for which they shed Strafford's blood. That the command of the army—that military occupation of every place within his dominions—are essential elements in the prerogatives of a British monarch, (subject only to the constitutional control of the Commons, in withholding supplies for its maintenance, if they see cause,)—is a proposition that cannot be soundly questioned. And, independently of every other consideration, this single overt act of usurpation of supreme executive functions, was unconstitutional, and an undeniable act of rebellion on the part of the English Parliament.

While these high points of controversy were in dependence betwixt the King and the Commons, (for from the commencement of the troubles, the House of Lords unfortunately relinquished its independent jurisdiction, instead of operating as a check on the two other conflicting branches of the legislature,) the King was intent on raising forces not merely for the maintenance of his authority at home, but for the suppression of the Irish rebellion, and he purposed heading the forces to be supplied from England and Scotland for this latter purpose. The republicans of that day, however, in both kingdoms, were averse to this, fearing lest the King might win the attachment of the army, and thereby quash their projects. In Scotland, Loudoun the chancel-

\* Burnet, p. 188. Rushworth, vol. iv., pp. 498, 501.

† Rushworth, vol. iv., p. 501. Neal, vol. ii., p. 519.

▪ Whitelocke's Mem., p. 57; Baillie, vol. i., p. 337; Clarendon, Guthrie, &c.



lor, by his Majesty's command, convened the Council; and the work of agitation having preceded its meeting, multitudes thronged to Edinburgh, and petitioned the Council that nothing should be done "prejudicial to the work of reformation, and the treaty of union betwixt the kingdoms." The most malign surmises as to the King's intentions, were propagated and believed by the vulgar, while the real incendiaries in both kingdoms were scattering their firebrands far and wide, and by the most approved modes of open and clandestine excitement.

While the political affairs of the three kingdoms were in this unsettled and perilous state, and all the elements of social disorganization let loose in every quarter of these islands, the General Assembly of the church convened at St Andrews on the 27th of July 1642. We now proceed to record its Acts, and give in our supplement of documents, a detailed account of its proceedings by Baillie, which presents a very lively picture of the feverish state of the public mind at the period now referred to.

## THE PRINCIPALL ACTS

OF THE GENERALL ASSEMBLY, CONVEENED AT  
ST ANDREWS, JULY 27, 1642.

Act, Sess. I. 27 July, 1642.

*The Kings Letter to the Generall Assembly, presented by His Majesties Commissioner, the Earle of Dumfermling, July 27, 1642.*

CHARLES R.

IN the midst of Our great and weighty affaires of Our other Kingdoms, which God Almighty, who is privie to Our Intentions, and in whom We trust, will in his own time bring to a wished and peaceable conclusion, We are not unmindfull of that duetie which we owe to that Our ancient and native Kingdome, and to the Kirks there, now met together by their Commissioners in a Nationall Assembly. God, whose Viccgerent We are, hath made Us a King over divers Kingdomes, and We have no other desire, nor designe, but to govern them by their own Lawes, and the Kirks in them by their own Canons and Constitutions. Where any thing is found to be amisse, We will endeavour a Reformation in a fair and orderly way; and where a Reformation is settled, We resolve, with that authoritie wherewith God hath vested Us, to maintain and defend it in peace and libertie, against all trouble that can come from without, and against all Heresies, Sects, and Schismes which may arise from within, Nor do We desire any thing more in that Kingdom (and when we shall hear of it, it shall be a delight and matter of gladnesse unto Us) then that the Gospel be faithfully preached throughout the whole Kingdom, to the outmost skirts and borders thereof. Knowing that to be the mean of honour to God, of happinesse to the people, and of true obedience to Us. And for this effect, that holy and able men be put in places of the Ministry, and that Schooles and Colledges may flourish

in Learning and true Pietie. Some things for advancing of those ends, We did of Our own accord promise in Our Letters to the last Assembly, and We make your selves Judges, who were witnesses to Our Actions, while We were there in Person, whether we did not perform them both in the point of presentations which are in Our hands, and in the liberall provision of all the Universities and Colledges of the Kingdome, not only above that which any of Our Progenitors had done before Us, but also above your own hopes and expectation. We doe not make commemoration of this Our Beneficence, either to please Our selves, or to stop the influence of Our Royall goodnesse and bountie for afterward, but that by these reall demonstrations of Our unfained desires and delight to do good, you may be the more confident to expect from Us, whatsoever in Justice We can grant, or what may be expedient for you to obtaine. We have given expresse charge to Our Commissioner, to see that all things be done there orderly and peaceably, as if We were present in Our Own Person; not doubting but in thankfulness for your present estate and condition, you will abstaine from everything that may make any new disturbance, and that you will be more wise then to be the enemies of your own peace, which would but stumble others, and ruine yourselves. We have also commanded Our Commissioner to receive from you your just and reasonable desires, for what may further serve for the good of Religion, that taking them to Our consideration, We may omit nothing which may wnesse Us to be indeed a nursing Father of that Kirk wherein We were born and baptized, and that if ye be not happy, you may blame not Us, but yourselves. And now what doe We again require of you, but that which otherwise you owe to Us as your Sovereigne Lord and King, even that ye pray for Our prosperity and the peace of Our Kingdomes, that ye use the best meanes to keep Our People in obedience to Us and Our Lawes, which doth very much, in Our personall absence from that Our Kingdome, depend upon your preaching and your own exemplary loyaltie and faithfulness, and that against all such jealousies, suspitions, and sinister rumors, as are too frequent in these times, and have been often falsified in time past, by the reality of the contrary events: Ye judge Us and Our professions by Our actions, which, we trust, through God in despite of malice, shall ever go on in a constant way for the good of Religion and the weal of Our People, which is the Chiefest of Our intentions and desires. And thus we bid you farewell. Given at our Court at Leicester, the 23 of July, 1642.

*To Our trusty and wel beloved the Generall Assembly, in Our Kingdom of Scotland, convened at S. Andrews.*

Act, Sess. III. July 29, 1642.

*Act for bringing in of the Synode Books yearly to the Generall Assemblies.*

THE Moderator calling to minde that which was forgotten in the preceeding Sessions, the examination of the Provinciaall Books, caused call the Roll of the Provinciaall Assemblies; and the Assembly finding very few Provinces to have sent their Books to this Assembly, notwithstanding of the ordinance of the former Assembly thereanent, for the more exact obedience of that ordinance hereafter, the Assembly, in one voyce, ordaines, That the Books of every Provinciaall Assembly shall be brought and produced to every Generall Assembly: And



that this may be performed, ordaines that every Clerk of the Provinciaalls either bring or send the said Books yearly to the Generall Assemblies, by the Commissioners sent to the Assemblies, from these Presbyteries where the Clerks reside. Which charge the Assembly also layes upon the said Commissioners, sent from the saids Presbyteries where the Clerks reside; ay, and while some meanes be provided, whereby the Clerks charges may be sustained for coming with the saids Books themselves: And that under the pain of deprivation of the Clerk in case of his neglect, and of such censure of the saids commissioners, in case of their neglect as the Assembly shall think convenient.

Act, Sess. V. Aug. 1, 1642.

*Act anent the choosing of Kirk Sessions.*

**A**NENT the question moved to the Assembly, concerning the election of Kirk Sessions, The Assembly ordaines the old Session to elect the new Session both in Burgh and Land. And that if any place shall vaik in the Session chosen, by death or otherwise, the present Session shall have the election of the person to fill the vacand roome.

Sess. VI. 2 Aug. 1642.

*The report of the interpretation of the Act at Edinburgh, anent tryall of Ministers.*

**T**HE meaning of the foresaid Act, is not that an actuall Minister to be transported, shall be tried again by the tryalls appointed for trying of Expectants, at their entry to the Ministry, according to the Acts of the Kirk; but only that he bringing a Testimoniall of his former tryalls, and of his abilities, and conversation, from the Presbyterie from whence he comes, and giving such satisfaction to the Parochiners Presbyterie whereto he comes in preaching, as the Presbyterie finds his gifts fit and answerable for the condition and disposition of the Congregation, whereto he is presented. Because, according to the Act of the Assembly 1596, renewed at Glasgow, some that are meet for the Ministry in some places, are not meet for all alike: and Universities, Towns, and Burghs, and places of Noblemens residence, or frequencie of Papists, and other great and eminent Congregations, and in sundry other cases, require men of greater abilities, nor will be required necessarily in the planting of all private small Paroches, the leaving of the consideration of these cases unto the judgement and consideration of the Presbyterie, was the only intention of the Act.

The Assembly approves the meaning and interpretation foresaid, and appoints the said Act, according to this interpretation, to stand in force, and to have the strength of an Act and Ordinance of Assembly in all time coming.

Act, Sess. VII. 3 Aug. 1642.

*Act anent the order for making Lists to his Majestie, and other Patrons for Presentations; the order of tryall of Expectants, and for trying the quality of Kirks.*

**F**ORSAMEIKLE as His Majestie was graciously pleased in his Answer to the Petition, tendred by the Commissioners of the late Assembly to His Majestie, to declare and promise, for the better providing of vaiking Kirks, at His Majesties Pre-

sentation with qualified Ministers, to present one out of a list of six persons, sent to His Majestie from the Presbyteries wherein the vaiking Kirk lyeth, as His Majesties Declaration, signed with his Royal hand at Whitehall, the 3 of January last, registrate in the books of Assembly, this day at length beares. And suchlike whereas the Lords of Exchequer, upon a Petition presented to them by the Commissioners of the Generall Assembly, and the Procurator and Agent for the Kirk representing two Prejudices; one, that gifts obtained from His Majestie of patronages of Kirks, at his Presentation were passing the Exchequer, without the qualification and provision of a List, wherewith His Majestie was pleased to restrict himself; and the other, that some were seeking gifts of patronage of Bishop Kirks, which are declared to belong to Presbyteries, to be planted by two Acts of the late Parliament: The saids Lords have ordained that no signator, containing gifts of patronages from His Majestie, shall passe hereafter, but with a speciall provision that the same shall be lyable to the tenor of His Majesties said Declaration. Ordaining also the Procurator and Agent of the Kirk to be advertised, and to have place to see all signators whatsoever, containing any patronage, to the effect they may represent the interest of the Kirk therein; as the said Act of the date the 27 of June last, registrate also in the Books of Assembly, this day at length beares. Therefore, that the saids Kirks which now are, or which were at His Majesties presentation the said third day of January last, may be the better provided with able Ministers, when the samine shall vaik, The Assembly ordaines that hereafter every Presbyterie shall give up yearly a Roll of the ablest of their Expectants, to their Synods; and that the Synods select out of these Rolls such persons whom they in certain knowledge judge most fit for the Ministrie, and worthiest of the first place, With Power to the Synods to adde or alter these Rolls given by the Presbyteries, as they thinke reasonable: And that the Synods shall send the Rolls made by them in this manner, to the next Generall Assembly, who shall also examine the Rolls of the Synods, and adde or alter the same as shall be thought expedient. Which Roll made by the Generall Assembly, shall be sent to every Presbyterie, and that the Presbyterie, with consent of the most or best part of the Congregation, shall make a List of six persons willing to accept of the presentation out of that Roll of the Assembly, upon every occasion of vacation of any Kirk within their bounds, and shall send the samine, together with a blank presentation: The which (if His Majesty be Patron to the vacant Kirk) shall be sent by the said Procurator and Agent, to such as the Commissioners of the Generall Assembly, or in their absence the Presbyterie of Edinburgh, shall direct and think at that time most able and willing to obtain the presentation, to be signed and filled up by His Majesties choise of one of the List. And if the vacant Kirk be of a Patronage disponed by His Majesty since the 3 of January, in that case either the Presbyteries themselves shall send a List to six persons in maner aforesaid, with a blank presentation to the Patron, to be filled up by his choise, and subscribed, or send the samine to the saids Officers of the Kirk, to be conveyed by them to the Patron of the vaiking Kirk, as the Presbyterie shall think most expedient. It is alwayes declared, that this order shall be without prejudice to the Presbyteries, with consent foresaid, to put actuall Ministers upon the said List of six persons, to be sent to the Patron of the said vaiking



Kirks, if they please. And least that the nomination of Expectants by Presbyteries, Synods, or Assemblies, in their Rolls or Lists foresaid, be misinterpreted, as though the Expectants nominated in these Rolls and Lists, were thereby holden and acknowledged to be qualified, which is not the intention of the Assembly, who rather think, that in respect of this Order, there should be a more exact tryall of Expectants then before: Therefore the Assembly ordaines, That no Expectants shall be put on the Rolls or Lists above-mentioned, but such as have been upon the publike exercise, at the least by the space of half a year, or longer, as the Presbyterie shall finde necessary. And suchlike ordaines, that hereafter none be admitted to the publike exercise, before they be tryed, according to the tryall appointed for Expectants, at their entrie to the Ministerie in the late Assembly at Glasgow, in the 24 Article of the Act of the 23 Session thereof: which tryall, the Assembly appoints to be taken of every Expectant, before his admission to the publike exercise. And suchlike ordaines, That the samine tryall shall be again taken immediately before their admission to the Ministerie, together with their tryall mentioned in the advice of some Brethren deputed for penning the corruptions of the Ministry, approven in the said Act of the Generall Assembly at Glasgow. And because that Kirks of the patronages foresaids, will vaik before the Rolls and Lists be made up by the Presbyteries, Synods, and Generall Assemblies, in manner foresaid: Therefore, in the interim, the Assembly ordaines the Commissioners of every Presbyterie here present, to give in a List of the ablest Expectants within their bounds, the morn, to the Clerk of the Assembly, that the Assembly may, out of these Rolls, make a List to be sent to every Presbyterie: Out of which the Presbyteries shall make a List of six persons, with consent foresaid, and send the samine upon vacancie of any Church within their bounds, together with a presentation to His Majestie, or any other patron, in manner foresaid. And because the Procurator and Agent of the Kirk cannot get sufficient information to the Lords of Exchequer, anent the Right and Interest of the Kirk, and Presbyteries in Kirks, whereof gifts of patronages may be presented to the Exchequer: Therefore the Assembly ordaines for their better information hereanent, that every Presbyterie, with all diligence, use all meanes of exact tryall of the nature and qualitie of all Kirks within their bounds, as what Kirks belong to the Kings Majesties patronage, what to other Laick patrouages, what Kirks of old were planted by Presbyteries, and what by Prelates and Bishops, before the Assembly at Glasgow 1638, what hath been the way and time of the change of the planting and providing of the Kirks, if any have been changed, or any other thing concerning the nature and qualitie of every Kirk within their bounds, and to send the same to the Procurator of the Kirk with all diligence.

*Act anent Lists for the Kirks in the High-lands.*

THE Assembly considering that in Argyle, and in other places of the Irish language, there will not be gotten six expectants able to speak that language, And therefore the Assembly is hopefull, that in these singular cases, His Majestie will be pleased, for Kirks vacand in the High-lands, to accept of a List of so many expectants as can be had, able to speak the Irish language. And the Commissioners Graco promiseth to recommend it to His Majestie.

*Overtures against Papists, non-Communicants, and Profaners of the Sabbath.*

I. THE Assembly would draw up a Supplication to be presented by the Commissioners of the Presbyterie of Edinburgh to the Councell at their first meeting, for the due execution of the Acts of Parliament and Councell against Papists, wherein it will be specially craved, that the Exchequer should be the Intromettors with the Rents of these who are excommunicate, and that from the Exchequer the Presbyterie may receive that portion of the confiscate goods, which the Law appoints to be employed *ad pios usus*.

II. Every Presbyterie would convene at their first meeting, all known Papists in their bounds, and require them to put out of their company, all friends and servants who are Popish within one moneth: also within that same space, to give their children, sons and daughters, who are above seven yeers old, to be educate at their charges, by such of their Protestant friends, as the Presbyterie shall approve, and finde sufficient caution for bringing home within three moneths such of their children who are without the Kingdom, to be educate in Schooles and Colledges at the Presbyteries sight; to finde caution likewise of their abstinence from Masse, and the company of all Jesuits and Priests.

III. That all, of whatsoever rank or degree, who refuse to give satisfaction in every one of the foresaid Articles, shall be processed without any delay; but those who give satisfaction shall be dealt with in all meeknesse, after this manner: The Presbyteries shall appoint such of their number as they shall find fittest to confer with them so frequently as the Brethren are able to attend, untill the midst of October next, against which time, if they be not willing to go to Church, they shall give assurance to go and dwell in the next adjacent University Town, whether Edinburgh, Glasgow, S. Andrews, or Aberdene, from Novemb. 1, to the last of Mareh, where they shall attend all the diets of confereuce which the professors and Ministers of the bounds shall appoint to them: by which, if they be not converted, their obstinaey shall be declared in the Provincial Synods of April, and from thence their Processe shall go on to the very closure without any farther delay.

III. That every Presbyterie, as they will be answerable to the next Generall Assembly, be careful to do their dutie in all the premisses.

V. That there be given presently, by the members of this present Assembly, unto the Commissioners of the Presbyterie of Edinburgh, a List of all excommunicate Papists they know, and of all Papists who have children educate abroad, that they may be presented, together with our Supplication, to the Councell, at their first sitting.

VI. That the Councell may be supplicate for an Act, that in no Regiment which goes out of the Kingdom, any Papists bear office, and that the Colonell be required to finde caution for this effect, before he receive the Councels Warrant for levying any Souldiers: also that he finde caution for the maintaining of a Minister, and keeping of a Session in his Regiment.

Item, The Assembly would enjoyn every Presbyterie to proceed against non-Communicants, whether Papists or others, according to the Act of Parliament made thereanent. And suchlike, that Acts of Parliament against prophaners of the Sabbath be put to execution.

The Assembly approves the Overtures foresaid, and ordains Presbyteries to put the



samine to execution with all diligence : and that the Commissioners of every Presbyterie give in a List of the excommunicate Papists within their bounds, and of Papists children out of the Countrey, to the Clerk, that the same may be presented to the Councell by the Commissioners of this Assembly.

*Act anent the joyning of the Presbyterie of Sky to the Synode of Argyle.*

THE Generall Assembly having considered the whole proceedings of the Commissioners of the late Generall Assembly holden at Edinburgh, anent the reference made to them concerning the Presbyterie of Sky, together with the whole reasons *pro & contra* in the said matter, after mature deliberation have ratified and approved, and by these presents ratifie and approve the Sentence of the saids Commissioners thereintill. And further ordains the said Presbyterie of Sky, and all the Ministers and Elders thereof, to keep the meetings of the Provincial Assembly of Argyle, where they shall happen to be appointed in all time coming, suchlike as any other Presbyterie within the bounds of the said Province of Argyle uses to do : And that the samie Presbyterie be in all time hereafter within the jurisdiction of the said Provincial Assembly, without any further question to be made thereanent.

Sess. VIII. 3 Aug., *post meridiem*.

*The Supplication of this Assembly to the Kings Majestie.*

To the Kings most Excellent Majestie, the hearty thanksgiving, and humble Petition of the Generall Assembly of the Kirk of Scotland, met at S. Andrews July 27, 1642.

OUR hearts were filled with great joy and gladnesse at the hearing of Your Majesties Letter, which was read once and again in face of the Assembly, every line thereof almost either expressing such affection to the reformed Religion, and such royall care of us, as we could require from a Christian Prince; or requiring such necessary duties from us, as we are bound to performe as Ministers of the Gospel and Christian Subjects : For which, as solemne thanks were given by the Moderator of the Assembly, so do we all with one voice in all humility, present unto Your Majestie the thankfulness of our hearts, with our earnest prayers to God for Your Majesties prosperity, and the peace of your Kingdoms, that Your Majestie may be indeed a nursing Father to all the Kirks of Christ in Your Majesties Dominions; and especially to the Kirk of Scotland, honoured with your Birth and Baptisme : promising our most serious indeavours by doctrine and life, to advance the Gospel of Christ, and to keep the people in our charge in Unity and Peace, and in all loyalty and obedience to Your Majestie and your Laws. Your Majesties commands to your Commissioner, the Earle of Dumfermling, to receive from us our just and reasonable desires for what may further serve for the good of Religion here, the favours which we have received already, and Your Majesties desire and delight to do good, expressed in your Letter, are as many encouragements to us, to take the boldnesse in all humility to present unto Your Majestie (beside the particulars recommended to Your Majesties Commissioner) one thing, which for the present is the chiefest of all our desires, as serving

most for the glory of Christ, for Your Majesties Honour and Comfort; and not onely for the good of Religion here, but for the true happinesse and peace of all Your Majesties Dominions; which is no new motion, but the prosecution of that same which was made by the Commissioners of this Your Majesties Kingdom in the late Treatie, and which Your Majestie, with advice of both Houses of Parliament, did approve in these words : "To their desire concerning unitie in Religion and uniformitie of Church government, as a speciall meanes of conserving of Peace betwixt the two Kingdoms, upon the grounds and reasons contained in the Paper of the 10 of March, given in to the Treaty and Parliament of England : It is answered upon the 15 of June, That His Majestie, with advice of both Houses of Parliament, doth approve of the affection of His Subjects of Scotland, in their desire of having the conformity of Church-government betwixt the two Nations, and as the Parliament hath already taken into consideration the reformation of Church government, so they will proceed therein in due tiume, as shall best conduce to the glory of God, the Peace of the Church and of both Kingdoms, 11 of June 1641." In our Answer to a Declaration sent by the now Commissioners of this Kingdom from both Houses of Parliament, we have not onely pressed this point of unity in Religion and Uniformity of Church-government, as a meane of a firme and durable union betwixt the two Kingdomes, and without which former experiences put us out of hope long to enjoy the puritie of the Gospel with Peace, but also have rendred the reasons of our hopes and confidence, as from other considerations, so from Your Majesties late Letter to this Assembly, that Your Majestie in a happy conjunction with the Houses of Parliament, will be pleased to settle this blessed Reformation, with so earnestly desired a Peace in all your Dominions. And therefore we Your Majesties most loving Subjects, in name of the whole Kirks of Scotland, represented by us, upon the knees of our hearts, do most humbly and earnestly beg, that Your Majesty in the deep of your Royall Wisdom, and from your affection to the true Religion and the Peace of your Kingdoms, may be moved to consider, that the God of Heaven and Earth is calling for this Reformation at your hands, and that as you are his Vice-gerent, so you may be his prime Instrument in it. If it shall please the Lord (which is our desire and hope) that this blessed unitie in Religion and Uniformity in Government shall be brought about; your Majesties Conscience, in performing of so great a dutie, shall be a well-spring of comfort to Your Self, your memory shall be a sweet favour, and your name renowned to all following generations. And if these unhappy commotions and divisions shall end in this peace and unity, then it shall appeare in the Providence of God, they were but the noyse of many waters, and the voyce of a great thunder before the voyce of harpers harping with their harps, which shall fill this whole Iland with melodie and mirth, and the name of it shall be, *THE LORD IS THERE*.

*The Declaration of the Parliament of England, sent to the Assembly.*

THE Lords and Commons in this present Parliament assembled, finding to their great grief, that the distractions of this Kingdome daily increase, and that the wicked counsells and practises of a malignant party amongst us (if God prevent them not) are like to cast this nation into bloud and con-



fusion, To testifie to all the World how earnestly they desire to avoid a Civill Warre, they have addressed themselves in an humble Supplication to His Majestie, for the prevention thereof. A Copy of which their Petition, they have thought fit to send at this time to the Nationall Assembly of the Church of Scotland, to the intent that that Church and Kingdome (whereunto they are united by so many and so near bonds and tyes, as well Spirituall as Civill) may see that the like minde is now in them, that formerly appeared to be in that Nation. And that they are as tender of the effusion of Christian blood on the one side, as they are zealous on the other side of a due Reformation both in Church and State. In which work, whilst they were labouring, they have been interrupted by the plots and praetises of a malignant party of Papists, and ill-affected persons, especially of the corrupt and dissolute Clergy, by the incitement and instigation of Bishops, and others, whose avarice and ambition being not able to bear the Reformation endeavoured by the Parliament, they have laboured (as we can expect little better fruit from such trees) to kindle a flame, and raise a combustion withiu the bowels of this Kingdom: Which if by our humble supplication to His Majesty it may be prevented, and that according to our earnest desire therein, all Force and Warlike preparations being laid aside, we may returne to a peaceable Parliamentary proceeding, We do not doubt, but that by the blessing of Almighty God upon our endeavours, we shall settle the matters both in Church and State, to the encrease of His Majesties Honour and State, the peace and prosperitie of this Kingdome, and especially to the glory of God, by the advaneement of the true Religion, and such a Reformation of the Church, as shall be most agreeable to Gods Word. Out of all which, there will also most undoubtedly result a most firme and stable Union between the two Kingdomes of England and Scotland, which, according to our Protestation, we shall by all good wayes and meanes, upon all occasions, labour to preserve and maintain,

*Subscribitur,* Jo. BROWN, Cler. Parl.

*The Assemblies Answer to the Declaration of the Parliament of England.*

THE Generall Assembly of the Kirk of Scotland, having received a Declaration sent unto them by the Commissioners of this Kingdome, now at London, from the honourable Houses of the Parliament of England, expressing their care to prevent the effusion of Christian blood in that Kingdome, and their affections to Reformation, both in Kirk and State, and having taken the same to such consideration as the importance of so weighty matters, and the high estimation they have of so wise and honourable a meeting as is the Parliament of England, did require; have, with universall consent, resolved upon this following Answer:—

I. That from the recent sense of the goodnesse of God, in their own late deliverance, and from their earnest desire of all happinesse to our native King and that Kingdome, they besse the Lord for preserving them in the midst of so many unhappy divisions and troubles from a bloody Intestine War, which is from God the greatest Judgement, and to such a nation the compend of all calamities. They also give God thanks for their former and present desires of a Reformation, especially of Religion, which is the glory and strength of a Kingdome, and bringeth with it all temporall blessings of prosperity and peace.

II. That the hearts of all the members of this Assembly, and of all the well-affected within this Kingdome, are exceedingly grieved and made heavy, that in so long a time, against the professions both of King and Parliament, and contrary to the joynt desires and prayers of the godly in both Kingdomes, to whom it is more deare and precious then what is dearest to them in the world, the Reformation of Religion hath moved so slowly, and suffered so great interruption. They consider that not only Prelates, formall Professours, profane and worldly men, and all that are Popishly affected, are bad counsellours and workers, and do abuse their power, and bend all their strength and policie against the Work of God; but the god of this world also, with Principalities and Powers, the rulers of the darknesse of this world, and spirituall wickednesse in high places, are working with all their force and fraud in the same opposition, not without hope of successe, they having prevailed so farre from the beginning, That in the times of the best kings of Juda of old, and the most part of the Reformed Kirks of late, a through and perfect Reformation of Religion hath been a work full of difficulties; Yet doe they conceive, that as it ought first of all to be intended, so should it be above all other things, with confidence in God, who is greater than the world, and he who is in the world, most seriously endeavoured. And that when the supreme Providence giveth opportunity of the accepted time and day of salvation, no other work can prosper in the hands of his servants, if it be not apprehended, and with all reverence and faithfulness improved. This Kirk and Nation, when the Lord gave them the calling, considered not their own deadnesse, nor staggered at the promise through unbelief, but gave glory to God. And who knoweth (we speak it in humility and love, and from no other mind then from a desire of the blessing of God upon our King and that Kingdome) but the Lord hath now some controversie with England, which will not be removed, till first and before all, the worship of his name, and the government of his house be settled according to his own will? When this desire shall come, it shall be to England, after so long deferred hopes, a tree of life, which shall not only yeeld temporall blessings unto themselves, but also shall spread the branches so far, that both this nation and other reformed Kirks shall find the fruits thereof to their great satisfaction.

III. The Commissioners of this Kingdome in the late Treaty of peace, considering that Religion is not only the meane of the service of God and saving of Souls, but is also the base and foundation of Kingdomes and Estates, and the strongest band to tie Subjects to their Prince in true loyaltie, and to knit the hearts of one to another in true unity and love, They did, with preface of all due respect and reverence, far from arrogancy or presumption, represent, in name of this Kingdome, their serious thoughts and earnest desires for unity of Religion, That in all His Majesties Dominions, there might be one Confession of Faith, one directory of Worship, one publike Catechisme, and one forme of Kirk Government. This they conceived to be acceptable to God Almighty, who delighteth to see his People walking in truth and unity, to be a speciall meane for conserving of peace betwixt the Kingdomes, of easing the Kings Majesty, and the publike Government of much trouble, which ariseth from differences of Religion, very grievous to Kings and Estates; of great content to the King himself, to his Nobles, his Court, and all his People, when (occasioned to be abroad) without scruple to themselves, or scandal to others, all may resort to the same publike



worship, as if they were at their own dwellings; of suppressing the names of Heresies, and Sects, Puritans, Conformists, Separatists, Anabaptists, &c., which do rent asunder the bowels both of Kirk and Kingdome; of despaire of successe to Papists and Recusants, to have their profession, which is inconsistent with the true Protestant Religion, and authority of Princes, set up again, and of drawing the hearts and hands of Ministers, from unpleasant and unprofitable Controversies, to the pressing of mortification, and to Treatises of true pietie, and practicall Divinity. The Assembly doth now enter upon the labour of the Commissioners, unto which they are encouraged, not only by their faithfulness in the late Treaty, but also by the zeale and example of the Generall Assemblies of this Kirk in former times, as may appeare by the Assembly at Edinburgh, Decemb. 25, in the year 1566, which ordained a Letter to be sent to England against the Surplice, Tippet, Corner-eap, and such other ceremonies as then troubled that Kirk, that they might be removed. By the Assembly at Edinburgh, April 24, 1583, humbly desiring the Kings Majesty to command his Ambassador, then going to England, to deale with the Queen, that there might be an union and Band, betwixt them and other Christian Princes and Realmes, professing the true Religion for defence and protection of the Word of God, and Professors thereof, against the persecution of Papists and confederates joyned and united together by the bloody league of Trent: as also, that her Majesty would disburden their brethren of England of the yoke of Ceremonies, imposed upon them, against the libertie of the Word: And by the Assembly at Edinburgh, March 3, 1589, ordaining the Presbyterie of Edinburgh, to use all good and possible means for the relief and comfort of the Kirk of England, then heavily troubled for the maintaining the true discipline and government of the Kirk, and that the Brethren in their private and publike prayers, recommend the estate of the afflicted Kirk of England to God. While now, by the merey of God, the conjunction of the two Kingdomes is many wayes increased, the zeale of the Generall Assembly towards their happinesse ought to be no lesse. But besides these, the Assembly is much encouraged unto this dnetie, both from the Kings Majesty and his Parliament, jointly, in their Answer to the proposition, made by the late Commissioners of the Treaty, in these words:—*To their desire concerning unity of Religion, and uniformity of Kirk government, as a speciall meanes for conseruing of peace betwixt the two Kingdomes, upon the grounds and reasons contained in the paper of the 10 of March, and given in to the Treatie and Parliament of England. It is answered upon the 15 of June, That his Majestie, with advice of both Houses of Parliament, doth approve of the affection of His Subjects of Scotland, in their desire of having conformitie of Kirk government between the two Nations; and as the Parliament hath already taken into consideration the Reformation of Kirk government, so they will proceed therein in due time, as shall best conduce to the glory of God, the peace of the Kirk, and of both Kingdomes.* And also severally; for His Majestie knoweth that the custodie and vindication, the conservation and purgation of Religion, are a great part of the dnetie of Civill authority and power. His Majesties late practise while he was here in person, in resorting frequently to the exercises of publike worship, his Royall actions, in establishing the worship and government of this Kirk in Parliament, and in giving order for a competent maintenance to the Ministry and Seminaries of the Kirk, and His Majesties gracious Letter to

the Assembly (seconded by the speech of His Majesties Commissioner) which contains this religious expression:—*Where any thing is amisse we will endeavour a Reformation in a fair and orderly way, and where Reformation is settled, we resolve, with that authority wherewith God hath vested us, to maintain and defend it in peace and liberty, against all trouble that can come from without, and against all Heresies, Sects, and Schismes, which may arise from within.* All these doe make us hopefull that His Majesty will not oppose, but advance the work of Reformation. In like manner, the Honourable Houses of Parliament, as they have many times before witnessed their zeale, so now also in their Declaration sent to the Assembly, which not only sheweth the constancy of their zeale, but their great grief that the worke hath been interrupted by a malignant party of Papists and evill affected persons, especially of the corrupt and dissolute Clergie, by the incitement and instigation of Bishops and others, their hope according to their earnest desire, when they shall returne to a peaceable and Parliamentary proceeding, by the blessing of God, to settle such a Reformation in the Church, as shall be agreable to Gods word, and that the result shall be a most firm and stable union between the two Kingdomes of England and Scotland, &c. The Assembly also is not a little encouraged by a Letter sent from many reverend brethren of the Kirk of England, expressing their prayers and endeavours against every thing which shall be found prejudiciall to the establishment of the Kingdome of Christ, and the Peace of their Sovereigne. Upon these encouragements, and having so patent a doore of hope, the Assembly doth confidently expect, that England will now bestirre themselves in the best way for a Reformation of Religion, and do most willingly offer their prayers and uttermost endeavours for furthering so great a Work, wherein Christ is so much concerned in his glory, the King in his honour, the Kirk and Kingdome of England in their happinesse, and this Kirk and Kingdome in the purity and peace of the Gospel.

IIII. That the Assembly also from so many reall invitations, are heartened to renew the Proposition made by the aforementioned Commissioners of this Kingdome, for beginning the Work of Reformation, at the uniformity of Kirk-government. For what hope can there be of Unity in Religion, of one Confession of Faith, one Form of Worship, and one Catechisme, till there be first one Forme of Ecclesiasticall Government? Yea, what hope can the Kingdome and Kirk of Scotland have of a firme and durable Peace, till Prelacie, which hath been the main cause of their miseries and troubles, first and last, be plucked up, root and branch, as a plant which God hath not planted, and from which, no better fruits can be expected then such sower grapes, as this day set on edge the Kingdome of England?

V. The Prelaticall Hierarchie being put out of the way, the Work will be easie, without forcing of any conscience, to settle in England the government of the Reformed Kirks by Assemblies. For although the Reformed Kirks do hold, without doubting, their Kirk Officers, and Kirk-government by Assemblies higher and lower, in their strong and beautiful subordination, to be *jure divino*, and perpetuall: yet Prelacie, as it differeth from the Office of a Pastor, is almost universally acknowledged by the Prelates themselves, and their adherents, to be but an humane ordinance, introduced by humane reason, and settled by humane Law and Custome for supposed conveniencie: which therefore by humane authority, without wronging any mans conscience,



may be altdred and abolished upon so great a necessity, as is a hearty conjunction with all the Reformed Kirks, a firm and well grounded Peace betwixt the two Kingdome, formerly divided in themselves, and betwixt themselves by this partition wall, and a perfect Union of the Kirks in the two Nations : which although by the providence of God in one Iland, and under one Monarch, yet ever since the Reformation, and for the present also, are at greater difference in the point of Kirk-government, which in all places hath a powerfull influence upon all the parts of Religion, then any other Reformed Kirks, although in Nations at greatest distance, and under divers Princes.

VI. What may be required of the Kirk of Scotland, for furthering the Work of Uniformitie of Government, or for agreeing upon a common Confession of Faith, Catechisme, and Directory for Worship, shall, according to the order given by this Assembly, be most willingly performed by Us, who long extreamly for the day when King and Parliament shall joyn for bringing to passe so great, so good a Work, That all Warres and Commotions ceasing, all Superstition, Idolatry, Heresie, Sects, and Schismes being removed, as the Lord is one, so his name may be one amongst us; and mercy and truth, righteousness and peace meeting together, and kissing one another, may dwell in this Iland.

Act, Sess. VIII. Aug. 3, 1642.

*Overtures for transplantation of Ministers, and provision of Schools, ordained by the late Assembly at Edinburgh to be sent to Synods, and reported to this Assembly.*

Act, Sess. XI. Edinb. Aug. 5, 1641.

These Overtures underwritten, anent the transporting of Ministers and Professors to Kirks and Colledges, being read in audience of the Assembly, and thereafter revised by a Committee appointed for that effect, The Assembly appoints them to be sent to the severall Synods, to be considered by them, and they to report their judgements thereof to the next Generall Assembly.

I. **N**O transportation would be granted hereafter without citation of parties having interest (viz., the Minister who is sought and his Parish) to hear what they can oppose, and the matter is to come first to both the Presbyteries (viz., that wherein the Minister dwells, whose transportation is sought, and the other Presbyterie to which he is sought, if the Kirks lye in several Presbyteries) and if the Presbyteries agree not, then the matter is to be brought to the Synod, or Generall Assembly (which of them shall first occur after such transportation is sought) and if the Synod (occurring first) agree not; or if there be appeale made from it, then the matter is to come to the Generall Assembly.

II. A Minister may be transplanted from a particular Congregation (where he can onely doe good to a part) to such a place, where he may benefit the whole Kirk of Scotland, because, in reason the whole is to be preferred to a part, such as Edinburgh.

1. Because all the great Justice Courts sit there, as Councell, Session, Justice Generall, Exchequer, &c., and it concerns the whole Kirk, that these Fountains of Justice be kept clean, both in the point of Faith, and Manners.

2. Because there is great confluence to Edin-

burgh, from time to time, of many of the chief Meubers of the whole Kingdome, and it concerns the whole Kirk to have these well seasoned, who (apparently) are to be the Instruments of keeping this Kirk and Kingdome in good temper.

That this may be the more easily done, the Assembly first recommends to Edinburgh, that some young men of excellent spirits may be (upon the charges of the said Town) trained up, at home or abroad, toward the Ministry from time to time. Secondly, we meane not that all the places of the Ministerie of Edinburch be filled with Ministers to be transported by Authority of this Act, but only till they be provided of one Minister (transplanted by the Authority of the Assembly) for every Kirk in Edinburgh, and that the rest of the places be filled either according to the Generall Rules of transportation for the whole Kingdome, or by agreement with actuall Ministers, and their Parishes, with consent of the Presbyterie or Synod, to the which they belong.

III. In the next roome, we finde, that it is a transporting of Ministers for publike good, that Colledges (having the profession of Divinitie) be well provided of Professors.

Wherein the Colledge of Divinitie in S. Andrews is first to be served, without taking any Professors or Ministers out of Edinburgh, Glasgow, or Aberdene, and then the rest of the Colledges would be provided for as their necessity shall require: yet (in respect of the present scarcity) it were good for the Universities to send abroad for able and approved men, to be Professors of Divinitie, that our Ministers may be kept in their pastorall charge as much as may be.

Towns also wherein Colledges are, are very considerable in the matter of transportation.

IIII. Also Congregations, where Noblemen have chief residence are to be regarded, whether planted or unplanted, and a care is to be had, that none be admitted Ministers where Popish Noblemen reside, but such as are able men (especially for controversies) by sight of the Presbyterie: and moreover it is necessary, that such Ministers as dwell where Popish Noblemen are, and are not able for controversies, that they be transported.

V. They whodesire the transportation of a Minister should be obliged to give reasons for their desire: Neither should any Presbyterie or Assembly, passe a sentence for transportation of any Minister, till they give reasons for the expedience of the same, both to him and his Congregation, and to the Presbyterie whereof he is a member. If they acquiesce to the reasons given, it is so much the better: if they doe not acquiesce, yet the Presbyterie, or Assembly (by giving such reasons before the passing of their sentence) shall make it manifest, that what they doe is not *pro arbitratu, vel imperio* onely, but upon grounds of reason.

VI. Because there is such scarcity of Ministers having the Irish tongue, necessity requires, that when they be found in the Low-lands, they be transported to the High-lands: providing their condition be not made worse, but rather better by their transportation.

VII. In the point of voluntary transportation, no Minister shall transact and agree with any Parish, to be transported thereto, without a full hearing of him, and his Parish, before the Presbyterie to which he belongs in his present charge, or superiour Kirk judicatories, if need shall be.

VIII. The planting of vacant Kirks, is not to be tyed to any (either Ministers, or Expectants) within a Presbyterie: but a free election is to be,



according to the order of our Kirk, and Lawes of our Kingdome.

IX. The chief Burghs of the Kingdome are to be desired to traine up young men of excellent spirits for the Ministry, according to their power, as was recommended to Edinburgh: Which course will in time (God willing) prevent many transplantations.

The Overtures under-written anent the Schooles being likewise read in audience of the Assembly, they recommend the particulars therein mentioned, anent the providing of the maintenance for Schoolmasters, to the Parliament; and ordaine the rest to be sent to the Synods, to be considered by them, and they to report their judgements thereof to the next Generall Assembly, as said is.

I. **E**VERY Parish would have a Reader and a Schoole, where children are to be bred, in reading, writting, and grounds of Religion, according to the laudable Acts, both of Kirk and Parliameut, made before.

And where Grammar Schooles may be had, as in Burghs, and other considerable places, (among which all Presbyteriall Seates are to be reputed) that they be erected, and held hand to.

II. Anent these Schooles, every Minister with his Elders, shall give accompt to the Presbyteries at the visitation of the Kirk; the Presbyteries are to make report to the Synode, and the Synode to the Generall Assembly, that Schools are planted, as above-said, and how they are provided with men and means.

III. And because this hath been most neglected in the High-lands, Ilands, and Borders, Therefore the Ministers of every Parish are to instruct by their Commissioners, to the next Generall Assembly, that this course is begun betwixt and then: and they are further to certifie from one Generall Assembly to another, whether this course is continued without omission, or not.

IIII. And because the means hitherto named or appointed for Schooles of all sorts, hath been both little, and ill payed, Therefore, beside former appointments, (the execution whereof is humbly desired, and to be petitioned for at the hands of his Majestie and the Parliament) the Assembly would further supplicate this Parliament that they (in their wisdom) would finde out how meanes shall be had for so good an use, especially that the children of poore men, (being very capable of learning, and of good engines) may be trained up, according as the exigence and necessity of every place shall require. And that the Commissioners, who shall be named by this Assembly, to wait upon the Parliament, may be appointed to represent this to his Majestie, and the Parliament, seeing His Sacred Majestie, by his gracious Letter hath put us in hope hereof, wherewith we have been much refreshed.

V. The Assembly would supplicate the Parliament, that for youths of the finest and best spirits of the High-lands, and Borders, maintenance may be allotted (as to Bursars) to be bred in Universities.

VI. For the time and manner of visitation of Schooles, and contriving the best and most compendious and orderly course of teaching Grammar, we humbly desire the Assembly to appoint a Committee for that effect, who may report their diligence to the next Generall Assembly.

The Overtures and Articles above-written being reported to this Assembly, after reading and serious consideration thereof, the Assembly approves the same, and ordaines them to have

the strength of an Act and ordinance of Assembly in all time coming.

Sess. XI. 5 Aug. 1642.

*Act anent contrary Oaths.*

**T**HE Generall Assembly finding the inconvenience of contrary Oaths in trying of Adulteries, Fornications, and other faults and scandals, do therefore for eviting thereof, discharge Synods, Presbyteries and Sessions, to take Oath of both parties in all time hereafter, Recommending to them in the mean time all other order and wayes of tryall used in such cases: And that there may be a common order and course kept in this Kirk of trying of publike scandals, The Assembly ordains the Presbyteries to advise upon some common order hereintill, and to report their judgements to the next Assembly.

*Overtures anent Family Exercises, Catechising, keeping of Synods and Presbyteries, and restraint of Adulteries, Witch-crafts, and other grosse sins.*

The Committee supplicates the Assembly,

I. **T**O urge the severall Synods and Presbyteries, especially these of the North, that Family Exercise in Religion, Visitation of the Churches, Catechising, keeping of the Presbyteriall and Provinciall meetings (both by Preaching and Ruling Elders) be more carefully observed.

II. That the Clerk at least subscribe every Book before it come to the Assembly, and that every Act be noted on the Margent, for a directory of expedition.

III. That the Assembly would seriously studie by all meanes and wayes how to procure the Magistrates concurrence to curb and punish these notorious vices which abound in the Land, especially in the Northern parts.

The Assembly approves the Overtures fore-said, and ordains them to be observed: and for the last, the Assembly being confident of the readinesse of the Judge Ordinar to restrain and punish these faults, Do therefore ordain all Presbyteries to give up to the Justice, the names of the Adulterers, incestuous persons, Witches and Sorcerers, and others guilty of such grosse and fearfull sins within their bounds, that they may be Processed, and punished according to the Laws of this Kingdom; and that the Presbyteries and Synods be carefull herein, as they will answer to the Generall Assemblies. And because that Witch-craft, Charming, and such like, proceeds many times from ignorance; Therefore the Assembly ordains all Ministers, especially in these parts where these sins are frequent, to be diligently Preaching, Catechising, and conferring, to inform their people thereintill.

Sess. XI. 5 Aug. 1642.

*Act against Petitions, Declarations, and suchlike, in name of Ministers, without their knowledge or consents.*

**T**HE Generall Assembly being informed, that after the Petition presented to the Lords of His Majesties Privie Councell by the Noblemen, Burgesses, and Miisters, occasionally met at Edin-



burgh the 31 day of May last by-past, had received a very gracious Answer, There was another Petition given in to their Lordships upon the day of June last, entituled, The Petition of the Nobilitie, Gentrie, Burrows, Ministers, and Commons : which as it was not accompanied with any one Minister to the Lords of Privie Councell, so all the Ministers of this Assembly, disclaims and disavoweth anyknowledge thereof, or accession thereto. And the Assembly conceiving that the Kings Majestic himself, and all the Courts and Judicatories of this Kingdome may be deluded and abused, and the Kirk in Generall, and Ministers in particular, injured and prejudged by the like practices hereafter, Do therefore prohibite and discharge all and every one to pretend or use the name of Ministers to any Petition, Declaration, or suchlike at any time hereafter, without their knowledge, consent, and assistance : And if any shall doe the contrary, ordaines Presbyteries and Provinciaall Assemblies to proceed against them with the highest censures of the Kirk.

Sess. XI. 5 Aug. 1642.

*Act anent the Assemblies desires to the Lords of Councell and Conservators of Peace.*

THE Assembly being most desirous to use all, and to omit no lawfull meane or occasion to testifie their zeale by dealing with God and man, for furtherance of their desires of Unity in Religion and uniformity of Kirk-government, And considering the great necessity, that the Kirk and State contribute jointly their best endeavours to this happy end : Therefore enjoynes the Moderator, and the Commissioners from the Assembly, to supplicate with all earnestnesse and respect, the Lords of his Majesties Honourable Privie Councell, and likewise the Commissioners appointed by his Majestic, and the Parliament, for conservation of the Peace, that they may be pleased to concur with the Kirk in the like desires to His Majesty and the Parliament of England, and in the like directions to the Commissioners of this Kingdome, at London for the time, that by all possible means, Civill and Ecclesiastick, this blessed Worke may be advanced, and a happy settling betwixt His Majestic and his Parliament, may be endeavoured, and the common Peace betwixt the Kingdomes continued and strengthened.

Sess. XI. Aug. 5, 1642.

*The Assemblies humble desire to the Kings Majestic for the Signator of £500 Sterling, and recommendation thereof to the Kings Commissioner.*

THE Generall Assembly having received the Report of the proceedings of the Commissioners of the late Assembly, and specially that His Majestic was graciously pleased, upon their humble Petition, solemnly to promise and declare under his Royall hand, his pious resolution and dedication of £500 sterling, out of the readiest of his Rents and revenues, to be employed yearly on publike necessary and pious uses of the Kirk, at the sight of the Generall Assembly, as His Majesties gracious Answer of the 3 of January 1642, registrate in their books at His Majesties own desire, for their further assurance of his Majesties pious zeale, doth more fully report. Likeas being informed that His Majestic was graciously pleased to signe and send down to the Kirk the Signator of the said £500 yearly to

have past the Exchequer, albeit the samine is not as yet delivered ; And considering His Majesties pious directions to them by His Majesties Letter to plant and visit the utmost skirts and borders of the Kingdome, as most necessary for the glory of God, the good of the Kirk, and His Majesties honour, and service, which is only stopped by the want of charges for publike visitations, And withall to remonstrate to His Majestic by his Commissioner, their just and necessary desires for what may further serve to the good of Religion, whercunto His Majesties Commissioner promised his best endeavours and assistance. Therefore the Assembly doth most earnestly recommend to His Majesties Commissioner to represent to His Majestic, with his best assistance, the humble and necessary desires of the whole Assembly, that His Majestic will be graciously pleased to command that Signator, already signed by His Royall hand (or to signe another of the samine tenor, whereof they deliver the just double to His Majesties Commissioner for that effect) to be sent to this Kingdom, and delivered to the Commissioners from this Assembly, who are to sit at Edinburgh, or to the Procurator of the Kirk, whereby His Majestic shall more and more oblige this whole Kirk to pray for a blessing from Heaven upon his Royall Person and Government.

Sess. XI. 5 Aug. 1642.

*The Assemblies Letter to the Commissioners of this Kingdom at London.*

RIGHT HONOURABLE,

WE have received your Lordships Letter, with the Declaration of the Parliament of England, and have sent this Noble bearer to His Majesty with our humble Supplication, and to your Lordships with our Answer, earnestly desiring Unity of Religion, and Uniformity of Kirk-government, to be presented by your Lordships, and this Noble bearer to the Honourable Houses of Parliament. Your Lordships will perceive by the inclosed Copies, and by our desires to His Majesties Honourable Privie Councell and Commissioners for the conservation of the Peace, to joyn their best endeavours with His Majestic and the Parliament, and their directions to your Lordships, by our leaving a Commission behinde us, to concur with them in all Ecclesiastick wayes, and by our appointing publike Prayers, and a solemn Fast through this Kirk, for the furtherance of this great work of Reformation, and continuance of the common Peace, that this unity in Religion and Uniformity of Kirk-government is the chiefest of our desires, prayers, and cares : whereunto as we have been encouraged by the faithfull labors of the Commissioners of this Kingdom in the late Treaty, and continued and renewed by your Lordships, so we are assured, that your Lordships will omit no lawfull mean, argument, or occasion of seconding the same there, And advertising our Commissioners at Edinburgh, wherein they may further concur with your Lordships for the furtherance of the Work, which tends so much to the glory of God, advancement of Christs Kingdom, increase of the honour and happinesse of our Sovereign, and the peace and welfare of these Kingdoms, whereby your Lordships will oblige this Kirk more and more to pray for a blessing on your persons and travels, and to rest

Yours in the Lord

The Commissioners of the Generall Assembly.

S. Andrews 5 Aug. 1642.



*A Letter from some Ministers of England.*

Reverend and wel-beloved in our  
Lord and Saviour,

**W**E received with much joy and satisfaction, the Answer which your Generall Assembly vouchsafed us to our Letters of the last year. Some of us, in the name of our Brethren, thought it then fit by M. Alexander Henderson (a Brother so justly approved by you, and honoured by us) to return our deserved thanks. And we now further think it equall upon this occasion, to make a more publike acknowledgement of such a publike favour. You were then pleased to give us fair grounds, to expect that brotherly advice and endeavours, which the common cause of Christ, and the mutuall interest of the united Nations, command us now again to ask, if not to chalenge. We doubt not but your experience, together with your intelligence, abundantly informes you of our condition, what various administrations of providence we have passed through, and we still lye betwixt hopes and feares, a fit temper for working; the God of all graces enable us to improve it. As our hopes are not such as may make us fear, so neither doe our Feares prevail, to the easting away our confidence. Your own late condition, together with this Declaration of ours present, may acquaint you with the certain, though subtil, authors and fomentors of these our confused conflicts: which we conceive to be the Hierarchieal faction, who have no way to peace and safety, but through the trouble and danger of others. Our prayers and endeavours, according to our measure, have been, and shall be, for the supplanting and rooting up whatsoever we finde so prejudiciall to the establishment of the Kingdome of Christ and the peace of our Sovereigne. And that this Declaration of our selves may not leave you unsatisfied, we think it necessary further to expresse, That the desire of the most godly and considerable part amongst us, is, That the Presbyterian Government, which hath just and evident Foundation both in the Word of God, and religious reason, may be established amongst us, and that (according to your intimation) we may agree in one Confession of Faith, one directorie of Worship, one publike Catechisme and form, of government: Which things, if they were accomplished, we should much rejoyce in our happy subjection to Christ our Head, and our desired association with you our beloved brethren. For the better effecting whereof, we thought it necessary, not only to acquaint you with what our desires are in themselves, but likewise to you, that is, That what way shall seem most fit to the wisdom of that grave and religious Assembly, may be taken for the furtherance of our indeavours in this kind. We understand that our Parliament hath been beforehand with us in this intimation, and it cannot but be our duty, who are so much concerned in the businesse, to adde what power the Lord hath given us with you to the same purpose. This designe and desire of ours hath enemies on the Left hand; and dissenting brethren on the Right; but we doubt not, that as our hearts justifie us that our intentions are right, and such as we conceive tend most to the glory of God, and the peace of the Churches of the Saints; so (by your brotherly concurrence in the most speedy and effectuall way you can find out) the Work will, in Gods due time, receive a prayed for, hoped for issue. We shall not need by many arguments from mutuall Nationall interest (though we know you will not overlook them) to inforce this request, the firme bond wherewith we are all united

in our Lord Jesus Christ, we are assured will alone engage your faithfull endeavors in this businesse. To him we commit you, with these great and important affairs you have in hand. Be pleased to accept of these as the expression of the mindes of our many godly and faithfull Brethren, whose hearts we doubt not of, neither need you, though their hands in regard of the suddenesse of this opportunity could not be subscribed together with ours, who are

Your most affectionate friends and brethren  
in the Work of the Lord.

London 22 July,  
1642.

*Answer to the Ministers Letter.*

Right Reverend and beloved in the Lord Jesus.

**B**Y our Answer to the Declaration sent unto us from the honourable Houses of Parliament, ye may perceive that your Letter which came into our hands so seasonably, was not only acceptable unto us, but hath also encouraged us to renew both to the Kings Majestie and the Houses of Parliament, The desires of the late Commissionours of this Kingdome for Unity in Religion, in the four particulars remembred by you, we cannot be ignorant but the opposition from Satan and worldly men in Kirk and Poliey, will still be vehement as it hath been already, But we are confident through our Lord Jesus Christ, that the prayers and indeavours of the godly in both Kingdoms, will bring the work to a wished, and blessed Issue. This whole nationall Kirk is so much concerned in that Reformation and Unity of Religion in both Kingdomes, that without it we cannot hope for any long time to enjoy our puritie and peace, which hath cost us so dear, and is now our chiefest comfort and greatest treasure: Which one cause (beside the Honour of God) and the happinesse of the People of God in that Kingdome, more desired of us then Our lives) is more then sufficient to move us, To contribute all that is in our power for bringing it to passe. And since we have with so great liberty made our desires and hopes known both to King and Parliament, it is a duety incumbent both to you and us, who make mention of the Lord, and are Watch-men upon the Walls of Jerusalem, never more to keep silence nor to hold our peace day nor night, till the righteousness of Sion go forth as brightness, and the salvation thereof as a lamp that burneth. And if it shall please the Lord to move the hearts of King and Parliament, to hearken unto the motion, for which end we have resolved to keep a solemne Fast and Humiliation in all the Kirks of this Kingdome, the mean by which we have prevailed in times past, we wish that the work may be begun with speed, and prosecuted with diligence by the joint labours of some Divines in both Kingdoms, who may prepare the same for the view and examination of a more frequent Ecclesiastick meeting of the best affected to Reformation there, and of the Commissioners of the Generall Assembly here, that in end it may have the approbation of the Generall Assembly here, and of all the Kirks there, in the best way that may be, we wish and hope at last in a nationall Assembly; Our Commissioners at Edinburgh, shall in our name receive and returne answers for promoting so great a Work, which we with our heart and our soule recommend to the blessing of God, we continue,

Your loving brethren and  
fellow-labourers.



*Act for the Lord Maitlands presenting the Assemblies Supplication to His Majestie, and for going to the Commissioners at London, with the Answer to the Parliament of Englands Declaration.*

THE Generall Assembly considering the necessity of sending some person of good worth and quality for to present their humble Supplication to His Majestie, and to deliver their direetions to the Commissioners of this Kingdom, now at London, with their Declaration to the Parliament of England, and Answer to some wel-affected Ministers of that Kirk: And having certain knowledge of the worth, ability, and faithfulness of John Lord Maitland, one of their number, who being witness to all their intentions and proceedings, can best relate their true loyaltie and respect to their Sovereign, and brotherly affection to the Kirk and Kingdom of England therein; Therefore do unanimously require his Lordships pains, by repairing to Court and to London for the premisses, which hereby they commit to his diligence and fidelity; willing his Lordship to make account of his proceedings herein to their Commissioners appointed to sit at Edinburgh.

Sess. XII. 5 Aug. *post meridiem.*

*Commission for publike affairs of this Kirk, and for prosecuting the desires of this Assembly to His Majestie and the Parliament of England.*

THE Generall Assembly considering the laudable custome of this Kirk for to appoint some Commissioners in the interim betwixt Assemblies, for presenting of Overtures and prosecuting the other desires of the Kirk to His Majestie, the Lords of His Councell, and the Estates of Parliameut; and taking to their consideration the present condition of the Kirk of England, with the Declaration thereof sent down from the Parliament, and some reverend Brethren of the Ministry there, with their own Answer to the Parliament and Ministry, and their humble Supplication to His Majestie for Unity of Religion and Uniformity of Kirk-government. And withall remembring their desires to the Honourable Lords of His Majesties Seeret Councell, and to the Commissioners appointed by the King and Parliament, for conservation of the common Peace, That they would joyn their concourse in their desires to His Majestie and Parliament, and directions to the Commissioners of this Kingdom at London for the time. And likewise considering their good hopes from Gods gracious favour to this Island, that by his good providence he will in his own way and time settle this great Work through this whole Ile; And that it is both our earnest desire and Christian duty to use all lawfull means and Ecclesiastick wayes for furtherance of so great a Work, continuance of the common peace betwixt these nations, and keeping a brotherly correspondence betwixt these Kirks. Therefore the Assembly thinks it necessary before their dissolving to appoint, and by these presents do nominate and appoint, Masters, Andrew Ramsay, Alex. Henderson, Robert Dowglas, William Colvill, William Bennet Ministers at Edinburgh, M. William Arthur, Minister at S. Cuthbert, M. James Robertson, John Logan, Robert Lightou, Commissioners from Dalkeith to this Assembly: Masters, Andrew Blackhall, James Fleeming, Robert Ker, Commissioners from Haddingtoun to this Assembly: Masters, George Hamilton, Robert Blair, Arthur Mortouu, David Dalglish, Andrew Bennet, Walter Greg, John Moncreff, John Smith, George Gillespie, John Ross,

John Duncan, Walter Bruce, Commissioners for the Presbyteries within the Province of Fyffe: M. David Calderwood, Minister at Pencaitland, M. John Adamson, Principal of the Colledge of Edinburgh, M. John Strang Principle of the Colledge of Glasgow, M. David Dickson, M. James Bonar, M. Robert Bailie, M. John Bell, M. Robert Ramsay, M. George Young, M. Henry Guthrie, M. Samuel Oustein, M. John Robertson, Minister at S. Johnstoun, M. John Robertson, Minister at Dundie, M. John Humo Minister at Eckills, M. Andrew Cant, M. William Guild, M. Samuel Rutherford, M. James Martin, M. Alexander Monroe, M. Robert Murray, M. John Maclellan, Andrew Doncanson, M. Silvester Lambie, M. Gilbert Ross, *Ministers*: Marquesse of Argyle, Earles of Lauderdale, Glenearne, Kinghorne, Eglintoun, Wecmes, Cassils: Lords, Gordoun, Maitland, Balcarras, Sir Patriek Hepburne of Wauchtoun, Sir David Home of Wedderburne, Sir David Creightoun of Lagtoun, Sir David Barclay of Cullearnie, John Henderson of Fordell, M. George Winrame of Libertoun, Sir Robert Drummond, Sir William Carmichael, John Binnie, Thomas Paterson, John Sempill, John Kennedy of Air, John Leslie from Aberdene, William Glendinning Provost of Kirkubright, John Colzear, *Ruling Elders*, with the concurse of the Procurator of the Kirk: And grants to them full Power and Commission in this interim, betwixt and the next Assembly, for to meet and convene at Edinburgh upon the 17 day of this moneth of August, and upon any other day, or in any other place, as they shall think convenient: And being met and convened, or any fifteen of them, there being alwayes twelve Ministers present: With full power for to consider and performe what they finde necessary for the Ministerie, by preaching, supplicating, preparing of draughts of one Confession, one Catechisme, one directory of publike Worship (which are alwayes to be revised by the next Generall Assembly) and by all other lawfull and Ecclesiastick wayes, for furtherance of this great Work in the Union of this Iland in Religion and Kirk-government, and for continuance of our own peace at home, and of the common peace betwixt the Nations, and keeping of good correspondence betwixt the Kirks of this Iland. Like as if it shall please God to blesse the prayers and endeavours of his Saints for this blessed Union, and that if either the Lords of Councell, or Commissioners for the Peace shall require their concurse at home or abroad, by sending Commisshouers with theirs to His Majesty and Parliament for that effect, or that they themselves shall finde it necessary, The Assembly grants full power to them, not only to concur by all lawfull and Ecclesiastick wayes, with the Councell and Couservators of the Peace at home, but also to send some to present and prosecute their desires and humble advice to His Majestie and the Parliament, and the Ministerie there, for the furthering and perfecting of so good and great a Worke. Like as, with power to them to promote their other desires, overtures, and recommendations of this Assembly, to the Kings Majestie, Lords of Councell, Session, Exchequer, and Commissioners of Parliament, for plantation of Kirks, for common burdens, or conservation of the common peace, and to the Parliament of this Kingdom, in case it fall out *pro re nata* before the next Assembly. And such like, with as full power to them to proceed, treat and determine in any other matters to be committed to them by this Assembly, as if the samine were herein particularly insert, and with as ample power to proceede in the matters particularly or generally above-mentioned, as any Com-



missioners of Generall Assemblies have had, and have been in use of before: They being alwayes comptable to, and censurable by the next Generall Assembly, for there proceedings thereanent.

Sess. XIII. 6 Aug. 1642.

*A Petition from some distressed Professors in Ireland.*

To the Reverend and right Honourable the Moderator and remanent members of the Generall Assembly of Scotland, convened at S. Andrews, July 1642. The humble Petition of the most part of the Scottish Nation in the North of Ireland, in their own names, and in name of the rest of the Protestants there,

*Humbly sheweth,*

**W**HAT where your Petitioners by the great blessing of the Lord, enjoyed for a little while a peaceable and fruitfull Ministerie of the Gospel, yet through our own abuse of so rich a merrey, and through the tyrannie of the Prelates, we have been a long time spoiled of our Ministers, (a yoke to many of us heavier then death) who being chased into Scotland, were not altogether un-usefull in the day of your need; And we having been since oppressed and scattered, as sheep who have no shepherd, now at last the wise and righteous hand of the Lord, by the sword of the Rebels, hath bereft us of our friends, and spoiled us of our goods, and left us but a few, and that a poor handfull of many, and hath chased from us the rest that were called our Ministers; the greatest part whereof we could scarce esteem such, as being rather Officers to put the Prelats Injunctions in execution, than feeders of our souls: So that now being visited with sword and sicknesse, and under some apprehension of famine, if withall we shall taste of the sorest of all plagues, to be altogether deprived of the Ministry of the Word, we shall become in so much a worse condition then any Pagans, as that once we enjoyed a better: Neither know we what hand to turn us to for help, but to the Land so far obliged by the Lords late rare mercies, and so far enriched to furnish help of that kinde; a Land whence many of us drew our blood and breath, and where (pardon the necessary boldnesse) some of our own Ministers now are, who were so violently plucked from us, so sore against both their own and our wills; yea, the Land that so tenderly in their bosoms received our poor out-casts, and that hath already sent us so rich a supply of able and prosperous Souldiers to revenge our wrong.

Therefore, although we know that your zeale and brotherly affection would urge you to take notice without our advertisement, yet give us leave in the bowels of our Lord Jesus Christ, to intreat, if there be any consolation in Christ, if any comfort of love, if any fellowship of the spirit, if any bowels of mercy, that now in this nick of time, when the sword of the Enemie making way for a more profitable entertaining the Gospel, having also banished the Prelates and their followers, when our extremity of distresse, and the fair hopes of speedy settling of peace, hath opened so fair a doore to the Gospel, you would take the cause of your younger sister, that hath no brests, to your serious consideration, and pity poor Macedonians crying to you that ye would come over and help us, being the servants of the God of your Fathers, and claiming interest with you in a common Covenant, that according to the good hand of God upon us, ye may send us Ministers for the house of our God. We do not take upon us to prescribe to you the way or the number, but in

the view of all, the finger of the Lord points at these, whom though persecution of the Prelats drew from us, yet our interest in them could not be taken away, wherein we trust in regard of several of them, called home by death, your bounty will super-adde some able men of your own that may help to lay the foundation of Gods house, according to the Pattern. But for these so unjustly reft from us, not only our necessity, but equity pleads, that either you would send them all over, which were a Work to be paralleled to the glories of the Primitive times, or at least that ye would declare them transportable, that when Invitators shall be sent to any of them, wherein they may discern a call from God, there may be no difficultie in their loosing from thence, but they may come back to perfect what they began, and may get praise and fame in the Land, where they were put to shame. Neither are you to question your power over us so to doe, or crave a president of your own practise in that kind, for our extraordinary need calling on you, furnisheth you with a power to make this a president for the like cases hereafter: herein if you shall lay aside the particular concernment of some few places, which you may easily out of your rich Nurseries plant again, and make use of your publike spirits, which are not spent, but increases by your so many noble designs; you shall leave upon us and our posteritie the stamp of an obligation that cannot be delete, or that cannot be expressed; you shall send to all the neighbouring Churches a pattern, and erect for after-ages a monument of self-denying tender zeale; you shall disburden the Land of the many out-casts, who will follow over their Ministers; and you shall make it appear, that the churlish bounty of the Prelats, which at first cast some of these men over to us, is not comparable with the cheerfull liberalitie of a rightly constitute Generall Assembly, to whom we are perswaded, the Lord will give seed for the loane which you bestow on the Lord; yea, the day may come when a Generall Assembly in this Land may returne to you the first fruits of thanks, for the plants of your free gift. And although you were seant of furniture of this kinde your selves, or might apprehend more need then formerly, yet doubtlesse, your bowels of compassion would make your deep povertie even in a great tryal of affliction, abound to the riches of your liberalitie. But now seeing you abound in all things, and have formerly given so ample a proof of your large bestowing on Churches abroad in Germanie and France, knowing that you are not wearied in well-doing, we confidently promise to our selves in your name, that ye will abound in this grace also, following the example of our Lord and the Primitive Churches, who alwayes sent out disciples in paires. But if herein our hopes shall faile us, we shall not know whether to wish that we had died with our Brethren by the Enemies hand; for we shall be as if it were said unto us, *Goe serve other Gods*; yet looking for another kinde of Answer at your hands, for in this you are to us as an Angel of God, we have sent these bearers, M. John Gordoun and M. Hugh Campbell our Brethren, who may more particularly informe you of our ease, and desire that at their returne, they may refresh the bowels of Your most instant and earnest Supplicants.

*Commission to some Ministers to go to Ireland.*

**T**HE Assembly having received a Petition subscribed by a considerable number in the North of Ireland, intimating their deplorable condition, through want of the Ministerie of the Gospel, occa-



sioned by the tyrannie of the Prelats, and the sword of the Rebels, and desiring some Ministers, especially such as had been chased from them, by the persecution of the Prelats, and some others to be added, either to be sent presently over to reside amongst them, or declared transportable, that upon invitation from them, they might goe and settle there; together with some particuler Petitions, desiring the returne of some particuler Ministers, who had laboured there before: All which the Assembly hath taken to their serious consideration, being most heartily willing to sympathize with every member of Christs Body, although never so remote; much more with that Plantation there, which for the most part was a Branch of the Lords Vine, planted in this Land. In which sollicitude, as they would be loath to usurpe without their own bounds, or stretch themselves beyond their own measure; so they dare not be wanting, to the enlargement of Christs Kingdome, where so loud a cry of so extreame necessitie, could not but stirre up the bowels of Christian compassion. And although they conceive that the present unsettled condition both of Church, and State, and Land, will not suffer them as yet to loose any to make constant abode there; yet they have resolved to send over some for the present exigent till the next Generall Assembly, by courses to stay there four moneths allanerly: And therefore doe hereby authorize and give Commission to the persons following, to wit, M. Robert Blair, Minister at S. Andrews, and M. James Hamilton, Minister at Dumfreis for the first four moneths: M. Robert Ramsay, Minister at Glasgow, and M. John Maclelland, Minister at Kirkcudbright, for the next four moneths: and to M. Robert Baillie, professor of divinitie in the University of Glasgow, and M. John Levistoun, Minister of Stranraire for the last four moneths: To repair into the North of Ireland, and there to visit, comfort, instruct, and encourage the scattered flocks of Christ, to employ to their uttermost with all faithfulness and singleness of heart, in planting and watering, according to the direction of Jesus Christ, and according to the doctrine and discipline of this Church in all things, And if need be (with concurrence of such of the Ministers of the Army as are there) to try and ordain such as shall be found qualified for the Ministerie, Giving charge unto the persons foresaid in the sight of God, that in doctrine, in worship, in discipline, and in their dayly conversation, they studie to approve themselves as the Ministers of Jesus Christ, and that they be comptable to the Generall Assembly of this Kirk, in all things. And in case if any of the above-mentioned Ministers be impeded by sicknesse, or otherwise necessarily detained from this service, the Assembly ordaines the Commissioners residing at Edinburgh, for the publike affairs of the Church, to nominate in their place well qualified men, who hereby are authorized to undertake the foresaid employement, as if they had been expressly nominate in the face of the Assembly. And this, although possibly it shall not fully satisfie the large expectation of the Brethren in Ireland, yet the Assembly is confident they will take in good part at this time, that which is judged most convenient for their present condition, even a lent mite out of their own not very great plenty, to supply the present necessity; requiring of them no other recompence, but that they in all cheerefulness may embrace and make use of the message of salvation, and promising to enlarge their indebted bounty at the next Assembly, as they shall finde the Worke of the Lord there to require. In the meane while, wishing that these who are sent, may come with

the full blessing of the Gospel and peace, and recommending them, their labours, and these to whom they are sent, to the rich blessing of the Great Shepherd of the flock.

Sess. XIII. 6 Aug. 1642.

*Act against Slandering of Ministers.*

THE Generall Assembly considering the malice of divers persons in raising calumnies and scandalls against Ministers, which is not only injurious to their persons, and discreditable to the holy calling of the Ministerie, but doth also prove often a great prejudice and hinderaunce to the promoting of the Gospel: Doe therefore ordain Presbyteries and Synods to proceed diligently in processe against all persons, that shall reproach or scandall Ministers, with the censures of the Kirk, even to the highest, according as they shall finde the degree or quality of the scandal deserve.

*Act anent ordering of the Assembly House.*

THE Assembly for better order in time coming ordains the Act of the Assembly at Aberdene for ordering the House of the Assembly to be kept hereafter punctually. And for that effect, that the saminc be reade the first Session of every Assembly.

*Act for remembring in publike Prayers the desires of the Assembly to the King and Parliament, and indiction of a publike Fast.*

THE Generall Assembly being desirous to promote the great work of Unity in Religion, and Uniformity in Church-government, in all thir three Dominions, for which the Assembly hath humbly supplicate the Kings Majestie, and remonstrate their desires to the Parliament of England, lest they should be wanting in any meane that may further so glorious and so good a Work: Doe ordain, that not only the said Declaration to the Parliament, and Supplication to the Kings Majestie, shall be accompanied with the earnest Petitions and prayers of the whole Brethren in private and publike, for the Lords blessing thereunto, according to the laudable custome of our predecessors, who in the year of God 1539, ordaines that the Brethren in their private and publike prayers, recommend unto God the estate of the afflicted Church of England; But having just cause of fear, that the iniquities of the Land, which so much abound, may marre this so great a Work, doe also ordain a solemne Fast to be kept on the second Lords day of September, and the Wednesday following throughout the whole Kingdome for the causes after specified.

I. Grosse ignorance and all sort of wickednesse among the greater part, security, meer formality and unfruitfulness among the best, and unthankfulness in all.

II. The sword raging throughout all Christendome, but most barbarously in Ireland, and dayly more and more threatned in England, through the lamentable division betwixt the King and the Parliament there, tending to the subversion of Religion and Peace in all the three Kingdomes.

III. That God may graciously blesse the supplication of the Assembly to the Kings Majesty, and their motion to the Parliament of England, for Unity in Religion, and Uniformity of Kirk-government, and all other meanes which may serve for



the promoving of so great a Worke, and advancement of the Kingdome of Christ every where.

III. That God may powerfully overturne all wicked plots and designs of Antichrist and his followers, and all divisive motions against the course of Reformation, and the so much longed for Union of the King and Parliament.

V. That God may blesse the harvest.

*Reference from the Presbyterie of Kirkcaldie.*

**A**NENT the Acts of Assemblies, for observation of the Lords Day, profaned by going of Saltpannes, That this Assembly would declare the limits of the Sabbath, during which the Pannes should stand.

The Assembly referres the Answer of this Question, to the Acts of former Assemblies.

*Reference from the Synode of Fyffe.*

**T**HAT the Provincial of Angus keep their meeting on the same day with the Synod of Fyffe, which breakes the correspondence between them, appointed by the Generall Assembly of Glasgow.

ANSWER.—The Assembly ordaines the Provincial Assembly of Angus to keep their first meeting upon the third Tuesday of April, conforme to the Act of the said Assembly of Glasgow.

*Overtures to be advised by Presbyteries against the next Assembly.*

**H**OW Appeals shall be brought in to the Generall Assemblies, and by what sort of citation.

What shall be the prescription of scandalls, within what space of time shall they be challenged, whether after three years, the Minister having been allowed and approved in life and doctrine by Synods, Presbyteries, and Visitations.

What order shall be taken for keeping Generall Assemblies, when Presbyteries send not the full number of Commissioners: Or when the Commissioners abide not untill the conclusion and dissolving of the Assembly.

Order to be advised for Testimonials.

**T**HE Assembly appoints the next Generall Assembly to hold at Edinburgh the first Wednesday of August, 1643.

FINIS.

INDEX of the PRINCIPALL ACTS of the ASSEMBLY holden at S. ANDREWS, 27 July, 1642. Not Printed.

1.—His Majesties Commission granted to Charles Earle of Dumfermling.

2.—Election of M. Robert Douglas, Moderator.

3.—Acceptation of the Commission from the Scottish Kirk at Campheir, granted to M. William Spang.

4.—Act renewing the Commissions for Visitation of the Universities of S. Andrews and Glasgow.

5.—Act anent delivery of the Irish contribution to the receivers appointed by the Secret Councell.

6.—Act anent Idolatrous Monuments in Ruthwall.

7.—Act anent the Books of the Presbyteries in our Armie that went to England.

8.—Act anent planting the Kirk of Kilwinning.

9.—Commis. anent erecting a Presb. in Biggar.

10.—Act repealing the Act of the Synod of Galway concerning tryal of actuall Ministers.

11.—The Kings Declar. anent the gift of £500.

12.—Act for sending of Expectants to Ireland, and for a Commission to be drawn up to some Ministers to go there.

13.—Recom. to the Marques of Argyle anent Patrick Egertie, Priest, and all other Priests, or sayers of Masse in the North Iles, or within the bounds of his Justiciarie.

14.—Act anent the reponing of M. Gilbert Power.

15.—Act for putting the Overtures anent maintaining Bursars in every Presb. in practice.

16.—Report of the Com. for revising some Synod Books, and the Assemblies approbation.

17.—Act for giving transumpt of the Covenant and Band.

18.—Act for sending of Generall Acts of Assemblies to Synods.

19.—Act anent Iames Murray.

20.—Report of the Committee of reports of the proceedings of the Commissioners of the last Assembly appointed to attend the Parl. with certain Overtures of the Assemblies approbation thereof, with the double of the Signator of £500 sent to His Majestie.

21.—Com. for Visitation of Orknay and Zetland.

22.—Ref. to the Commis. of this Assembly, anent the choise of any Minister to go to Ireland in place of any of the 6 appointed by this Assem. to that effect, in case they or any of them be impeded by sicknesse or death.

23.—Recom. of the Iles, Anandail, Esedaill, Liddisdaill, &c. for want of Kirks and Schools, of the Presbyteries of Lochmaben, and Newbie, for want of a civill Magistrate, to the Commission for planting of Kirks, and Secret Councell, respective.

24.—Ref. to the Commission of this Assembly for planting of the Kirk of Edinburgh.

25.—Act anent M. Colvils invitation to S. Andrews.

26.—Commission anent the planting of the Landward Kirk of S. Andrews.

27.—References and Overtures, and the Assemblies answer thereto.

28.—Ref. to the Commis. of this Assembly anent M. Iames Fairlie.

29.—Ref. to the Commis. of this Assembly anent the planting of the Kirk of Dundie.

30.—Overtures anent the Kirk of Campheir.

31.—Recom. to the Magistrates of Glasgow anent Mundayes Market.

32.—Act anent giving in to the Clerk the List of Expectants.

33.—Act giving power and liberty to Sir Archibald Johnstoun, Procurator for the Kirk and Clerk to the Generall Assembly, to adjoyn any to himself, or to depute any in these Offices whom he shall think fit.

*Miscellaneous Historical Documents,*

RELATIVE TO THE ECCLESIASTICAL AND POLITICAL  
EVENTS IN SCOTLAND—1642.

1. *The Propositions and Articles given in by the Scots Commissioners, after the Lord Loudon his Return from the Parliament of Scotland.\**

That the Treaty of Peace may be brought to a

\* Rushworth, vol. iv., pp. 373-5.



speedy and happy Close, we did offer to your Lordships Consideration the Particulars following :—

1. That so soon as the Scottish Army shall remove out of England to Scotland, the English Garisons of Berwick and Carlisle remove, *simul & semel*.

2. Lest Malefactors, who have committed Theft, Murther, and the like Crimes, crave the Benefit of the Act of Pacification and Oblivion, for whom it is no ways intended, there would be an exception from the said Act, of all legal pursuit, intended or to be intended, within the space of one Year, after the Date of the Treaty, against all Thieves, Sorners, Out-laws, Fugitives, Murtherers, Broken Men, or their Receptors for whatsoever Thefts, Rcifs, Hardships, Oppressions, Depredations, or Murther done or committed by them; and all lawfull Decrees given, or to be given, by the Parliament, or any Commissioners to be appointed by them for that effect, who shall have power to dignosce and take cognition, whether the same falls within the said Act of Pacification and Oblivion, or not.

3. It is desired, That the Demand concerning the not making or denouncing of War with Foreigners, without Consent of both Parliaments, may be condescended unto by the King and Parliament of England, which is ordinary and universally observed in all mutual Leagues, which are both defensive and offensive; and because the Wars denounced by one of the Kingdoms with Foreigners, although made without Consent of the other Kingdom, will engage them by necessary Consequence; or if the Consideration of that Proposition, shall require longer time than the present Condition of the important Affairs of the Parliament may permit, and lest the speedy Close of the Treaty be thereby impeded, it is desired, That this Demand, with the two other Articles of the same nature—the one concerning Leagues and Confederations, and the other concerning mutual Supply in case of Foreign Invasion—may all three be remitted to Commissioners, to be chosen by both Parliaments, who shall have power to treat and advise thereupon, for the Good of both Kingdoms, and to report to the Parliaments respective.

4. It is desired, That the Articles concerning Trade and Commerce, Naturalization, mutual Privilege and Capacity, and others of that nature already demanded, may be condescended unto by the King and Parliament of England: And namely, that demand about the pressing of Ships or Men, by Sea or Land; or of shortness of Time, and exigency of Affairs, may not permit the present Determination of these Demands; it is desired, That these same (except so many of them as are already agreed unto by the Commissioners for Trade) may be remitted to the Commissioners to be chosen by both Parliaments who shall have power to treat and advise thereof, for the good of both Kingdoms, and to make report to the Parliaments respective. And that the Charters or Warrants of the Scottish Nation, for freedom of Shipping in England or Ireland, from all Customs, Imposts, Duties, and Fees, more than are paid by the Natives of England and Ireland, granted by King James under the Broad Seal of England, upon the Eleventh of April, in the Thirteenth Year of his Reign, and confirmed by King Charles, upon the Nineteenth of April, in the Eighth Year of his Reign, may be ratified and enacted in the Parliament of England.

5. That the Extracts of Bands and Decretes put upon Record and Register in Scotland, may have the like Faith and Execution, as the French Tabeliones have in England or Ireland, seeing they are of alike Nature, and deserve more Credit; and if

this cannot be done at this time, that it be remitted to the former Commission from both Parliaments.

6. The manner of safe Conduct for transporting the Money from England to Scotland, by Sea or Land, would be condescended upou, in such a way as the Charges be not exorbitant.

7. The tenour of the Commission for conserving of Peace would be condescended unto, together with the Times and Places of Meetings, and whole Frame thereof; the Draught whereof, when it is drawn up in England, is to be represented to the Parliament of Scotland, that they may make like Commission, and name their Commissioners for that effect.

8. The Parliament of Scotland do join their earnest and hearty Desire, and crave the Parliament's Concurrence, that none be in Places about the Prince his Highness, but such as are of the Reformed Religion.

9. That an Act of Parliament of Publick Faith for payment of the Two hundred and twenty thousand Pounds of the Brotherly Assistance which is Arrear, may be presently framed and expedited, according to the Terms agreed upon.

10. It is desired, that the Quorum to whom the Scots address themselves for payment of £220,000 be condescended upon.

11. That the Order for re-calling all Proclamations, &c. made against his Majesty's Subjects of Scotland, be drawn up, and intimated in due form and time, with the Publick Thanksgiving at all the Parish Churches of his Majesty's Dominions.

12. It is desired, That the Articles concerning the Castle of Edinburgh, and other Strengths of the Kingdom may be understood to be, that the same shall be disposed of for the Weal of the Kingdom, as the King and Parliament shall think expedient.

*The English Lords Commissioners Answer.*

1. That upon the disbanding of the Scottish Army, the Garisons of Berwick and Carlisle shall be removed, according to the Article of the Treaty on that behalf.

2. The second Article is condescended unto, according to the Provision added to the Act of Oblivion and Pacification.

3, 4, 5, 6. The third Demand concerning the making of War with Foreigners, with the other two Articles, concerning Leagues and Confederations, and concerning mutual Supply and Assistance against Foreign Invasion; as likewise 4, 5, and 6, Articles, concerning Trade, Commerce, Naturalization, mutual Privilege and Capacity, and others of that nature, and the Demands concerning the Extracts of Bands and Decretes, and the manner of safe Conduct for transporting of Moneys from England to Scotland, are all referred to be taken into consideration by the Commissioners to be appointed by both Parliaments, who shall have Power to advise and treat thereupon, and report to the Parliaments respective.

7. It is just, That the tenour of the Commission for conserving of Peace should be agreed upon by mutual consent; but the closing of the Treaty not to stay hereupon, but to be left to the Commissioners to be named.

8. To that Desire, concerning such as should be placed about the Prince, the King hath already given a clear and satisfactory answer.

9. That there be an Act of Parliament of publick Faith, for securing the payment of £220,000, which is Arrear of the Brotherly Assistance, is just; and order is given for it accordingly: And it shall be communicated with the Scottish Commissioners, that it may be a perfect Security.



10. The Tenth, for appointing a Quorum for attending the payment of the Money, is already moved to the Parliament, and will be done as is desired.

11. The Eleventh Article is very just, and order shall be given accordingly for re-calling all Proclamations, &c. and for publick Thanksgiving.

12. This Article for the Castle of Edinburgh, and other Strengths of Scotland, is to be settled betwixt his Majesty and the Commissioners of Scotland; or by his Majesty and Parliament of Scotland.

All which Articles are assented unto, and approved by his Majesty, with Advice of the Parliament of England, and by the Committees of the Parliament of Scotland; and are necessary, for publick Declaration of mutual Consent; and for firm Observation, to be confirmed and ratified in the Parliaments of both Kingdoms.

*The Act of Pacification.*

Be it therefore enacted by his Majesty, with the Assent of the Lords and the Commons, in this present Parliament assembled, That the said Treaty, and all the Articles thereof assented to as aforesaid, be and stand for ever ratified and established, and have the Force, Vigour, Strength, and Authority of a Law, Statute, and Act of Parliament.

Like as this afore-written Treaty, and whole Articles thereof, are by his Majesty and the States of the Parliament of Scotland, enacted and ordained in all time coming, the full force and strength of a true and perfect Security, and Act of the said Parliament.

And his Majesty for himself and his Successors, doth promise *in verbo Principis*, never to come in the contrair of this Statute and Sanction, nor any thing therein contained; but to hold the same in all points firm and stable, and shall cause it to be truly observ'd by all his Majesty's Lieges, according to the Tenour and Intent thereof, for now and ever.

Like as the Parliament of both Kingdoms give full assurance, and do make publick Faith in the Name of both Kingdoms Respectively, for the True and Faithful Observance of this Treaty, and whole Articles thereof Inviolably, *hinc inde*, in all time to come.

2. *Principal Baillie's Journal of the Assembly, 1642, in a Letter to the Rev. William Spang.\**

Cousin,

You had long ago from me, an account of our parliament; what has fallen out since in England and Ireland, you know it as well as I. The world sees the passages daily in print, and it is like, many hands will be careful to give account to posterity, of so many notable pieces of state as have fallen out this year in our dominions. The misintelligence of the King with his parliament continues to this day. When they had found the accusation, and had assayed to arrest by force in the middle of the House of Commons, five of their well-deserving members to

the King's long stay in his way from Scotland, and extraordinary caressing of the city of London, they became more jealous than ever, that their old enemies were on some new ways to make all their labours fruitless. Their great fears forced them to these guards which occasioned the King in malecontentment to go from Whitehall, and the

Queen to leave the kingdom. Mutual misunderstanding has ever since increased pitifully; the putting of Sir William Balfour from the tower of London; my Lord Digby's appearing in arms about Kingston, his flight to Holland, and idle letters to the King and Queen; my Lord Newcastle's attempt on Hull, before Sir John Hotham's coming there; Sir John's refusing to let the King enter; his Majesty besieging of that place; my Lord Warwick's using of the navy against the King's mind; the great desertion of the parliament, by noblemen and others; that thrice traitor Goring's delivery of Portsmouth to the King, has now well near betrayed Ireland to the will of the barbarous rebels, has put England in the posture of a most dangerous war, the event whereof, what it may be, we tremble to thiuk. The best-affected of our council, before these evils went so high, thought meet to send up our Chancellor to see what his counsel might effectuate betwixt King and parliament. His Majesty, at that time, misliked the way of intercession, and caused the Chancellor to return, requiring our council withal to read and consider all that had passed betwixt him and the parliament, that finding how much he was injured by them in his just and legal prerogative, our council might, in name of our kingdom, declare the sense of these wrongs to the parliament by what commissioners they pleased. To this council-day were invited, by his Majesty's letters, all the noblemen and other counsellors who were affected his way. The parliament, to prevent inconveniencies, moved our commissioners to send down Sir Archibald Johnston, with a declaration from them of their proceedings; trusting thereby to demonstrate, that all their ways with his Majesty should appear necessary and just. Upon that meeting of our council there were many eyes. The banders flocked to the town with so great backing, the Chancellor and Argyle's company was so small, that there was a great rumour raised of a wicked design against Argyle's person; but incontinent the gentry and ministry of Fife running over in thousands, and the Lothians with the town of Edinburgh cleaving to Argyle above expectation, the banders courage and companies of foot and horse melted away as snow in a hot sunshine. A paper of Sir Archibald Johnston's, as a letter to a friend, gave good satisfaction to the minds of men. The petition of those who met was so resolute, full, and well conceived. My Lord Montgomery's petition was so evil taken, that the council, however at the beginning for the far most part so resolute to have concluded a boasting mediation to the terrifying of the parliament, yet in end was glad to lay down all such motions. Since the King was not able to carry his intentions, his pleasure was we should desist for a time to essay any accommodation. When the Marquis of Hamilton had left, first the parliament, and then the King, we thought he had come to us with some instructions from the one or both; but it seems he had nothing from either, but, to eschew drowning, had chosen to leave both for a time, since both could not be kept, and to both his obligations were exceeding great.

It were a pity that our armies were so unhappily employed, when there is so fair an occasion offered to set our friends abroad on their feet, and to put our enemies once for all, over the brae, never more to arise to their terrible former greatness.

At this time I will only give you an account of our late assembly at St Andrew's. On our way we heard of sundry rumours of the banders intention to essay their numbers, to extort from the assembly an exposition of our covenant, favourable for an expe-

\* Baillie, vol. i., p. 337.



dition to England, for vindication of the King's honour, which was alledged to be unjustly trampled upon by the parliament. However, we found no footsteps, when we came to the place, of any such plot; yet to prevent it, many of our best noblemen thought meet to countenance the assembly: not only all the noblemen of Fife—Weems, Barleigh, Sinclair, Elcho, Balcarras—but Argyle also brought over with him, Eglinton, Cassils, Glencairn, Lauderdale, Gordon, Maitland, and others, who all were elders, and voiced. The parliament of England also thought meet to send to us, by our commissioners, a declaration of their earnest desire to have their church reformed according to the word of God, and a copy of their petition to the King for peace. Lest the carrier hereof, Mr Robert Barclay, should have been so long detained by the King, whom he was directed to visit by the way, another copy was sent to us, which came with Mr Borthwick's man, on the fourth morning, from London. We thought ourselves much honoured by the respectful letters both of the King and parliament to us. It seems it concerned both to have our good opinion.

On Monday, the 26th of July, we came over the water; not without danger and fear. Tuesday the 27th, we came to St Andrew's. We found there, in the people, much profanity and ignorance, swearing, drunkenness, and the faults of the worst burghs, with extraordinary dearth. On Wednesday the 28th was a fast. Mr Henderson preached graciously and wisely, on 2 Cor., vi., 1, 2, 3; taxed freely the vices of ministers, among other the humour of novation. In the afternoon, Mr Blair had a sermon on Isaiah, lii., 7, 8, 9. He had preached thrice that week for Mr Rutherford, and was unwell: it seems he expected Mr Andrew Ramsay to have preached that day, being the antecedent moderator; but he was absent, not being a commissioner. After both sermons, we entered the Old College with great trouble. Dunfermling took the chair of state for the King. He was in his way for France; for hither his mind carried him, against the heart of all his friends; but having this favourable commission put on him, by all mens expectation, he came with a number of his noble friends; his nephew, the Master of Zester, carried the commission in a purse before him. After prayer, the moderator lected Mr Robert Douglas, Mr James Bonner, Mr Andrew Cant, Mr Robert Blair. Cassils, for keeping of the assembly's liberty, caused add Mr Robert Ramsay. Mr James Bonner, got some voices; the rest almost none: but unanimously Mr Robert Douglas was chosen. Before the election, the commissions were given in, the names were read and booked. Want of charges made many presbyteries send but one minister. The commission was referred to consideration, because of a clause of the chancery, of not transferring the synod without his Grace's advice. The King's letter was read: it was very gracious; yet had a discharge express enough to meddle with any thing concerned us not. The Commissioner craved liberty of assessors: (he spoke little and low.) It was refused, except for private consultation. The King had written to the Marquis of Hamilton, Argyle, the Chancellor, Morton, and Southesk, to attend, and assist him. Argyle read his letter; but professed his presence there alone, in quality of a ruling elder from the presbytery of Inverary. Southesk sat at his foot-stool, and oft whispered his unsavoury advice. None of the other appeared. The commission from Campvere was welcomed.

Thursday, July 29th, I was sent for by the moderator in the morning to Mr Blair's chamber. There

the moderator had appointed his private meetings with his assessors, for regulating of difficult affairs. The members were secretly advertised; for none were allowed publicly; Mess. Henderson, Cant, Dickson, Blair, Fleming, Argyle, Cassils, Lauderdale, Sir Archibald Johnston, Mr George Winton, and John Binnie. We resolved there upon the committees. We were feared for a storm about novations. The ablest men of the kingdom were present. I advised to name the committee for regulating of Shetland and Orkney first, and put upon it these men from whom they expected more favour, such as Mr Harrie Guthrie, Mr David Dogleish, and sundry more. The committee for bills and reports I got too ordered, that Mr James Bonner became moderator for the one, and Mr Robert Ramsay for the other, with Mr George Young his clerk, who made all the reports in face of the synod, as he had done twice before; only some of my friends were neglected through my forgetfulness, who therefore were like to have created us trouble, had I not gotten some employment to them thereafter. The clerk had drawn up a number of matter for the synod, which then we examined. No sermon that day, for Mr R. Ramsay nominate by the moderator but yesternight, had refused. In the assembly the committee for bills, reports, and Shetland, were appointed, as we resolved. The commissioners for visiting the universities of St Andrew's and Glasgow were renewed. I admired the industry of Argyle. All the diets of our synod he kept, and did give most and best advice in every purpose that came by hand. Our privy committee, before or after the assembly, he never missed; the committee for visitation of the universities, had punctually attended, and yet never complained of weariness. We put Eglinton on the committee of bills, and Glencairn on the reports, where he became a little more busy than was well taken. Because of the ignorance of acts of the general assemblies, the clerk was desired to draw together in one body the general acts of the old assemblies, to be ready for the press, and to print, without delay, the acts of the last five assemblies. Mr George Haliburton was somewhat tedious in his speeches anent the plantation of Dundee. His son was presented by the Viscount of Didup; yet at the town's desire, the young man did pass from his presentation. Mr D. Dogleish spoke much and well, but so boldly and oft that he was little regarded. Mr George Gillespie's cause came in. His patrons Weems and Elcho spoke much for his retention: himself also was very earnest to stay. Many marvelled of the difficulty was made, since long before, as he was alledged, the city of Edinburgh had agreed with Mr George for his transportation with his patrons consent. The King's letter was read again, and overtures for Papists and presentations were referred to the moderator. The committees were appointed in the afternoon. At our meeting, it was laid on Mr Henderson to answer the King and parliament's letters. The overture anent Papists was committed to me; which I drew, as it was thereafter approven in the assembly, without alteration. We spake much of patronages. The overtures whereupon the commissioners of parliament had agreed on with the King, I shewed was of no use to us; for it was hard for us to find one person to a vacant kirk; but to send up six to the King, where-ever he was to present any one, whereof we would assure should be accepted by all who had interest, it was not possible. Argyle made a fair offer for himself, and all the noblemen present, hoping to persuade other noblemen and gentlemen to do the



like, that they would give free liberty to presbyteries and people to name whom they would to vacant places, upon condition the assembly would oblige intrants to rest content with modified stipends. I reasoned against this condition, not for stipends already modified, but where benefices were yet entire; for there it was hard for us to dilapidate these few relics with our own hand. Lauderdale was much against popular elections. So we resolved to have nothing spoken at all of patronages.

Friday, 30th, the provincial assembly-books were produced by the commissioners where the clerk resided. A very well-penned letter by sundry noblemen and gentlemen was read for help of ministers in Ireland. After much private debate, Mr D. Dickson having peremptorily refused it was laid by the voices of the assembly on Mr Blair and Mr James Hamilton to go to Ireland for the first four months; on Mr Robert Ramsay and Mr James Maclelland for four months following; on Mr John Livingston and me for the next four. It came so suddenly on me, that all my opposition was in vain; and it was the assembly's care, to beware lest all the men that went over to that land should be in danger, in the first settling of that church, to favour any differences from our church. There was much debate for reading of the parliament of England's letters. The commissioner was passionate, that no answer might be given to them till the King's license might be obtained for that end. When his weeping could not obtain this, Southesk suggested the delay of answer only for twenty-four hours. This also was refused; for however the answer was not ready for some days thereafter, yet we esteemed it a dangerous preparative, to be hindered to answer when we found meet, the motion made to us by less considerable parties than the parliament of England. Mr Robert Brown having satisfied the presbytery of Penpont for his long delay to come to the covenant, upon his humble petition was received an expectant. After noon, in our committee, the book of the commissioners of the last general assembly was revised, and approved by us. Mr Henderson made a long and passionate apology for his actions, That the nomination of William Murray to be agent for the kirk till the next assembly, was by the commissioners, and not by him; that the man had done many good offices, and none evil, to the church; that he had refused to serve any longer in that place; that what himself had got from the King, for his attendance in a painful charge, was no pension; that he had touched as yet none of it; that he was vexed with injurious calumnies. After the venting of his stomach, to all our much compassion, the gracious man was eased in his mind, and more cheerful. It is true, some expressions in his sermons before the King, and his familiarity with William Murray, who was thought to be deep in all the plots, made him somewhat less haunted by our nobility than before; and Mr David Catherwood, and Mr Andrew Kirkhall, their censure of the ministry of Edinburgh in the late provincial of Lothian, for not applying their doctrine to the evil of the times; also his dissuading of his acquaintance, at Mr William Scot's burial, to come over to the council-day, and his small countenancing of the ministers petition to the council, occasioned many unpleasant whispers against him; but certainly the man's great honesty, and unparalleled abilities to serve this church and kingdom, did ever remain untainted.

Mr R. Blair and Mr S. Rutherford moved us to assist them for an act of transportability. There was a great heartburning for the time in the town. Mr Andrew Affleck of Largo had been nominate by

Mr A. to be his colleague in St Andrew's. The whole town did much affect him. Mr Robert and Mr Samuel had given once way to his transportation hither: yet when Mr James Bruce, Mr Arthur Morton, and Mr George Hamilton, had carried the plurality in the presbytery, for his keeping at Largo, his doctrine not being so spiritual and powerful as the case of St Andrew's required, Mr Robert plainly avowed his dissent from his transportation; whereupon almost the whole town did storm, and refused to regard any of Mr Robert and Mr Samuel's desires. This made both urge at least a transportability. I helped Mr Samuel to obtain it; but to my great repentance, if he makes any use, as he is too much inclined, of that his liberty. Mr Robert got some more contentment by the transporting of Mr Andrew Honniman to be his colleague. Mr Andrew Affleck also was taken to Dundee for the ending of that tough plea betwixt the town and the Constable.

All this while my Lord Eglinton was seeing what he might get done for my retaining. He was assured by all, that the assembly would transport me; and, for this effect, Edinburgh had sent a warrant to their commissioners, which I knew not for the time. His Lordship, therefore, resolved to speak nothing of his appeal; only he required the favour of an act to transport in the synod of Glasgow any he could find without a burgh and nobleman's residence. This was granted; and so his Lordship went away, being much afflicted with the death of his noble son Sir Alexander, the Colonel.

The fourth session was on Saturday, July 31. A letter from a number of English ministers at London was read, shewing their desire of Presbyterian government, and a full union with our church. The question of Mr John Bruee's admission came in. The patron, presbytery, and provincial synod, urged his receiving. William Rig, and the people, vehemently opposed it, because of his great insufficiency, and neglect of some part of his trial; he was deemed to be admitted. Mr And. Stewart's was agitate. The provincial of Galloway had made an act, to put all transported Ministers in their bounds unto all the trials required of expectants. This by all was thought to be absurd; yet the clerk fell on an overture concluded in the last assembly, giving liberty to presbyteries to put ministers to some trial. The exposition of this act was committed to some who made a commodious interpretation thereof. Sundry bills, and reports of particular affairs, were discussed.

On Sunday Mr David Dick preached, most on the afflictions of ministers, for the comfort of Mr Blair as I took it; but was not thought pertinent by the most. After noon, Mr And. Cant preached zealously on, "The zeal of thine house hath eaten me up."

Session fifth, Monday, August 2. The principal of the English parliament's declaration to us, with their petition for peace to the King, being presented by Mr Robert Barelay, was read. The King's very sharp answer, presented by his Grace, was read. After it, we had some debate in our committee about the publick reading of the King's answer; yet all consented it should be read. The assembly resolved to supplicate the King, and to deal with the parliament, for peace. The pieces were drawn up by Mr Henderson, and committed to my Lord Maitland to deliver; which produced that gracious return from the parliament which ye see in print. A number of bills and reports were dispatched. Mr John Guthrie, though he had satisfied for his late subscription of the covenant, and was earnestly supplicate by the whole provincial of Murray, yet



the patron Duff's dissenting, could not be replanted in his old church. The assembly presented Mr George Halyburton to the church of Boninmoon. The presbytery of Brechin alledged their right. It is resolved, that the rights of presbyteries and synods must cease, and dissolve in the hands of general assemblies sitting. That great contest had been in Glasgow anent the choice of their session, we got it settled with motioning the occasion; the old session was ordained to chuse the new: but that question which some would have moved, If the old session, being viciously chosen, was to be the elector? we did suppress. The negligence of some clerk had lost the most part of the acts of the presbytery at Newcastle; but it was ordained to deliver all could be had to Sir Archibald Johnston, to keep them *in retentis*. In the afternoon we had much debate for novations in our committee. Mr Andrew Cant, as I alledged, been put to by his nephew, did much extenuate them. Mr Henderson and Mr Robert Murray fell sharply on him. He freed himself of all suspicion. I was vexed on all hands in the committee. I was mouth for these who pressed the danger of novations; out of it I was beaten on as too slack in that matter. When, by the cunning delays of some, the matter was like to be cast to the end of the synod, and so to vanish, I gave over my agency; whereupon those who hated novations being enrag'd, drew a petition to be subscribed by too many hands. This I brought to our committee. It put them in a fray of division. They laid on me to draw an act, which I did to the satisfaction of all once. Yet thereafter some of our committee, repenting of their consent, it was laid on Mr Henderson to make an explanation of the former act anent novations. His draught did displease more than mine. At last, for fear of scandal, we agreed on pressing for the time all acts, and writing a letter by the moderator to the presbyteries troubled with novations. This letter I drew to the satisfaction of all; yet, after the assembly dissolved, the form of my draught was altered. This letter was brought from the presbyteries it was sent to, to our provincial synod, where we got it inserted in the questions of our visitations of churches, that novations in our bounds should be stopped according to that letter. This was the most difficile matter in our synod. Our northland brethren were much inflamed; and if it had come in face of synod, would have made a violent act; yet the places of those evils being alone among us in the west, they did leave the agenter of it to us. Divers practices of the brethren of Galloway, specially the deposition of Mr Gilbert Power, had wakened many of us against their new way; yet the managing of that matter falling, by God's providence, in my poor hands, it was guided so peaceably as I was able, and all was for this once fairly carried to all sides reasonable contentment.

The next three sessions, on Tuesday, August 3d, and Wednesday, 4th, before and after noon, were spent on particulars, or perfecting the particulars before mentioned. Every assembly is troubled with the plantation of Edinburgh. A little before this assembly, their clerk, Mr Guthrie, with his side of the council, had been busy to have drawn in his good comrade Mr Andrew Fairfoul from Leith; but the most of the town being grieved with the motion, called themselves together in the church by the bell after the second sermon; and finding my transportation to Glasgow passed, gave a call in the synod to three; the one failing the other, Mr James Hamilton, Mr David Forest, Mr Mungo Law. To Mr James they gave a *Nolumus*. Mr

David did so peremptorily refuse in private and publick, that a whisper went amongst us he had a dangerous disease; yet when four of us were sent out to confer with him, we found nothing but too great and somewhat melancholick modesty in the man. Upon our report, the assembly voiced his abiding. In the meantime, the council of Edinburgh sent over to their commissioners new instructions to petition for me and Mr Robert Knox. My matter was then past. Mr Knox was not well liked of: so they moved only for a power to the commissioners of the general assembly to plant them in one man. They pitched on Mr James Wright; but his health was known to be so extraordinarily evil in the town, that we voiced his abiding: so yet they have been unhappy in their choices. The last synod sent to presbyteries a number of overtures for regulating of transportations. No diligence to count of was used for their examination or perfecting; so they passed in acts at this time, rashly enough in my judgement; but because of my interest, I meddled not in that matter. The Isle of Sky was adjoined to the province of Argyle, and not to Ross. The Earl of Irvine was licensed to take over to France any two ministers he could persuade for his regiment; the one to be provided in 1000 pound; the other 1000 merks, with entertainment to themselves, horse, and man.

Sessions ninth, tenth, eleventh, and twelfth, on Thursday and Friday, these acts passed which ye see in print, with a number of particulars. The synod of Galloway was much eyed for divers of their rash acts. Their act for putting ministers to the trial of expectants was repealed; their deposition of an old man, Mr George Kincaid, near eighty years, for insufficiency, was found unjust. The causes of Mr Gilbert Power's deposition by all were found null, and he ordained to be reponed by Mr James Bonner. At the day of reposition a number of gentlemen and others came to the church, and with clubs and staves made opposition. This insolency filled all the country with clamour, and made the horns of the new way a little more conspicuous. The disdain of that affront cast good Mr James Bonner in a long and dangerous fever. In our meeting at Edinburgh we concurred with Mr Gilbert to complain of the riot. The council took order as we desired; only we advised, and sent our advice to the presbyteries of Galloway, to put all who were convicted to their publick repentance at the churches of Maybole and Staniskirk. Upon the parties humble penitence, and Mr Gilbert's peaceable repossession, we resolved to supplicate the council for the mitigation of the civil censure. Mr George Young, clerk of the reports, and some others, handled that matter so, that the impenitency of these of Galloway was palpable to the whole synod. There was a fashious process also from the presbytery of St Andrew's. Mr David Merns, a man blameless, and of common parts of learning, had been deposed truly for insufficiency; but a number of other things were put in his sentence, which all are found to be null. With much ado the sentence stood; but with some qualification for the man's credit, and a provision out of his church of 400 merks till he was otherwise provided. Mr Andrew Afflect, Mr Andrew Peme, and Scottiscraig, were appointed for visitation of Orkney and Shetland. The sighting of the provincial books was for good purpose. A commission was drawn up, as you see in print, for attending now and then in Edinburgh. A number of good motions was recommended to their care. Upon Argyle's contriving and motion, Maitland unanimously was sent as our commissioner to King



and parliament, wherein he proved both wise, industrious, and happy. Montgomery's petition came in hands; sharp enough flyting there was about it betwixt his Grace and Argyle. Always for time to come we made an act against such presumption. For the transmitting of our covenant to posterity, it was appointed, that of the principal there should be three famous transumptis under the hand of the clerk-register, the clerk of the Assembly, and council, to be set in the books of parliament, assembly, and council. Mr James Fairly had oft been a suppliant for some place in his great necessity; when, after long delays, there did no possibility appear of any flock who would be intreated to receive him, at last Mr Andrew Affleck's transportation to Dundee opened a door to young Durie in Largo, where he was patron, to receive his old master to all our requests.

On Saturday was our thirteenth and last session. Here a fast was appointed. The causes were drawn up by some longsome and unmeet hand; the draught read was misliked, and drawn better, as you may see. Yet the printed compend is not so good as this. The motion for twenty shilling from every church granted to James Murray for this year also, it is like it will not be granted again. It is thought a needless burden. The man is called weak, and dear in his extracts. I dissuaded Sir Archibald from moving any thing of an adjunct; yet he did venture, and carried it. He showed his willingness to serve us all his days faithfully and gratis; only for his help he desired he might have one to assist the kirk-meeting when he could not attend, and for giving of extracts, for whose actions he should be answerable. No man opposed the motion. Scotsraig, since no expences was allowed, excused his voyage to Orkney; and the tutor of Pitsligo was named for him. Commissioners of the neighbour presbyteries appointed to meet with the presbytery of St Andrew's, for settling the differences anent the plantation of the town, which was done with good success.

The next assembly appointed at Edinburgh the first Wednesday of August. The moderator spake very wisely both to ministers and elders, especially about keeping of unity, and being aware of novation. All ended in great peace and love.

After the assembly we had not much inward trouble. The letter about novations we made be read in our provincial synod of Irvine, and from thence to be sent to particular sessions, where it calmed somewhat the headiness of people; but the brethren which were taxed thereby, whereof there were some six or seven in Ayr, and two or three elsewhere, were the more stirred, and prepared themselves to write, as they say, for strengthening their tenets. Some of them are very heady; yet we are comforted, that they increase not in number, the excesses of some of their followers, who have fallen into rigid Brownism in whole, does much scar good people from that way; as also the presbytery of Edinburgh their diligence, who, upon the delation from the synod of Aberdeen of one Gearnes, a gentleman, his avowed Brownism, caused read out of all the city-pulpits a warning against that way. In that our provincial made good overtures, for absence, and visitation of churches, which Mr Robert Ramsay drew up. They were too long. If we get the substance of them past the general, which we mind to try, as we got them through the provincial, our church-discipline will be better executed.

The commission from the general assembly, which before was of small use, is like almost to become a constant judicatory, and very profitable; but of so high a strain, that to some it is terrible

already. In one of the two or three meetings I was present; for beside the public advertisement from the moderator of the last general assembly, who is constant convener and moderator, I was seriously desired to come by my Lord Waristou. Our errand was, to hear account of my Lord Maitland's negotiation. He delivered to us the parliament of England's return, granting all our desire, in abolishing of bishops, and requiring some of our ministers to assist at their synod against the 5th of November, or when it might be called. Of this we were very glad, and blessed God. From the King, his answer was, a promise to consider our desires. It was found expedient to nominate commissioners, that they might be in readiness. It was intended by some, that only ministers should go, and that very few. In the meeting I moved the conjunction of elders; but I got not a man to second me; so I gave it over: yet the absurdity and danger of such an omission pressing my mind, I drew up reasons for my judgement, which I communicate to Argyle and Wariston; and when they liked the motion, I went so about it, that at the next meeting it was carried without opposition. Fearing I might be one of the number to go, I dealt in private to my uttermost to decline it; besides the hazardous travel, I remember the great loss I was very near to have suffered by my last voyage, had not my good friend Mr George Young represented to my Lord Chancellor and Argyle the truth from the writ. Always my experience made me upon many grounds to decline that voyage, some whereof intending to be gone before the election. Sundry would fain have been employed; and lest they should have gotten themselves named, Argyle, in his cunning way, got them on the committee of nominators. That committee named Mr Alexander Henderson, Mr Robert Douglas, Mr Samuel Rutherford, Mr George Gillespie, and me; Cassils, Maitland, and Wariston, for elders. Mr Alexander was extremely averse from going, protesting his former expectation of death before he could attain London: but when all could not avail, he passionately complained of the great ingratitude he had found of sundry, who put heavy burdens on him, and were ready to invent or receive injurious calumnies of him. Cassils was much averse, and made great opposition. Every man said something; but no man was gotten excused. The miserable condition of the English affairs have yet kept us all at home.

3. *List of Overtures in, and Acts of the Estates of Scotland, bearing reference to the Church, from the 15th of May 1639, to the 17th of Nov. 1641, from Chronological Table of Acts, vol. v.*

1639.

Sept. 6. The Covenant subscribed by the Lord Commissioner—Ratification of certain Acts of Assembly—Dr Balcanquell—Grievances of Ministers of the North—Augmentation of Stipends—Presentation to Churches—Acts of Parliament in favour of Bishops' [rescinded] Oaths, prejudicial to Covenant—Profanation of Lords Day, &c., p. 253.

Sept. 7. Salmon Fishing, and feeing Shearers upon Sunday—Lands and Benefices of Chapters.—*Ibid.*

Sept. 10. Salmon Fishing upon Sunday—Kirk of St Magnus, Kirkwall—Minister of Brechin—Two Ministers and Reader in Elgin—Minister of Auchtertool—Acts against Drunkenness and Blasphemy—Procurator of the Kirk, Clerk, and Agent—their Fees—Augmentation of Ministers Stipends, p. 256.

Sept. 11. Supplication of Assembly anent Large



Declaration—Expenses to Commissioners of Assembly—Prohibition of Marriage of Scotsmen in England—Against Papists and Jesuits—Kirk of Montrose—Disjoyning of Denny from Falkirk—Kirk of Anveth—State of the Church of Glasgow—Parsonage of Meigle—Churches of Elie, Carsternie, Glenlyon, and Fartrahill, Chanonry of Ross, Kirk of Ferne, and Auchterteull, p. 256. Parochines of Craigie and Riccarton, p. 258. Minister of St Nicholas, Aberdeen—Sentences given by High Commission against Ministers—Plantation of Schools—Provision of Gleibs and Manses—Presentation to Vaikand Kirks—Ratification of Acts of Assembly and Covenant, p. 259.

*Sept. 17.* Act anent Episcopacy, &c., to be separated—Reservation of Commissioner in subscribing Covenant delete (in Privy Council Register)—Act against Episcopacy, pp. 260–61.

*Sept. 20.* Earl of Errol and Minister of Turreff, p. 262.

*Sept. 24.* Act against Episcopacy, and Commissioners Declaration thereanent, p. 263.

*Sept. 25.* Kirk of Carrestone, p. 264.

*Sept. 28.* Visitation of University of St Andrews—Tacks of Lands, p. 266.

*Oct. 1.* Vassals of Bishops—Erection of Parishes, dismembering of Kirks, &c., Kirkmaden, Hospital of Balhagardie, Girwan and Daily, Glenlyon and Fotheringall—Regiments to be furnished with ministers, p. 268.

*Oct. 3.* Commission for Surrenders and Tithes, and Plantation of Kirks—Presentation of Benefice of Dumfries, p. 271.

*Oct. 4.* Erection of Steeples—Paroche Kirk of Langsyde, p. 272.

*Oct. 5.* Ratification to Town of Edinburgh anent Augmentation of their Ministers Stipends, p. 273.

*Oct. 7.* Distinction of Spiritual and Temporal Lords of Session, pp. 274–8.

*Oct. 8.* Anent Mortifications in favour of Colleges and Hospitals, p. 275.

*Oct. 10.* Presenting Ministers to Kirks—Union of Kirks, p. 276.

*Oct. 11.* Admission of Ministers to Kirks which belonged to Bishoprics, p. 277.

*Oct. 14.* Planting of Kirks usurped by Bishops—Laird of Tillythroskie against Minister of Birse, pp. 278–80.

*Oct. 17.* Plantation of Kirks—The Procurator for the Kirk, p. 281.

*Oct. 23.* Visitation of University of St Andrews, p. 281.

1640.

*June 11.* Ratification of the Acts of Assembly, p. 291. Of Confession of Faith and Covenant—Supplication of General Assembly 1639, and Acts of Privy Council and Assembly, ordering Subscription of the Covenant, p. 292. Act Recissory, p. 298. For Planting Kirks vacant by default of Patrons—For Admission of Ministers to Bishops Kirks, p. 299. Acts Discharging Salt Pans and Salmon Fishing on Sunday—Against Papists, p. 300. Against hiring Shearers on Sunday, p. 302. Anent Large Declaration, p. 302. Act in favour of Vassals holding of Prelates and Chapters, p. 305. Act in favour of the Procurator, Clerk, and Agent for Kirk for their fees, p. 315. Act and Band for Maintenance of Acts and Constitution of this Parliament and of the Religion, &c., p. 316.

1641.

*Aug. 5.* Supplication of the Synod of Galloway against Thomas Mackie, p. 354.

*Aug. 9.* Declaration of General Assembly anent the Band subscribed by some Noblemen, p. 355.

*Aug. 13.* Proclamation discharging Noblemen and others who have not subscribed Covenant, to have seat or vote in Parliament, p. 361.

*Aug. 20.* Universities and Schools—Articles and desires given in by the Commissioners of the Kirk—Overtures concerning Universities and Schools, p. 365.

*Aug. 24.* The Treaty and Registration thereof, p. 369.

*Aug. 26.* The Treaty—Anent Ratification, p. 371.

*Aug. 31.* Ratification of Treaty, p. 286. Act and warrant for publishing and printing of the Acts in June 1640, p. 387.

*Sept. 1.* Vicarages—Monuments of Idolatry—Suspensions of Ministers Stipends—Papists and Non-Covenanters, p. 387. Discharging unlawful Marriages, p. 388.

*Sept. 2.* Vicarages—Non-covenanting Patrons—Escheits of Papists—Monuments of Idolatry, pp. 388–9.

*Sept. 9.* Profession of Theology in University of Glasgow—Monuments of Idolatry—Noncommunicants and Excommunicates—Suspension of Ministers Stipends, and Colleges, Schools, and Hospitals, pp. 393–4.

*Sept. 10.* College of Glasgow—Distressed Ministers in the North—Monuments of Idolatry, &c., pp. 394–5.

*Sept. 11.* University of Glasgow—Propositions from Assembly, pp. 397–8.

*Sept. 14.* Distressed Ministers—Commission for Plantation of Kirks, p. 398.

*Sept. 17.* Committee for Ministers in the North, pp. 404–9.

*Sept. 24.* Gifts of Bishops' Lands, Rents, &c.—Overtures from Kirk—Distressed Ministers, p. 410.

*Sept. 25.* Supplication of A. Johnston, Procurator for Kirk, pp. 413–17.

*Sept. 28.* Exoneration of Mr A. Henderson, p. 417.

*Sept. 29.* Act anent A. Pitcairn, Minister at Tannadyce, p. 422.

*Oct. 5.* Disunion of Kilmarnock Kirk, p. 428, and pp. 431–2.

*Oct. 22.* Commission and Overtures for the Kirk, p. 439.

*Oct. 26.* Committee for the Kirk—Kirk of Crieff, pp. 441–2.

*Oct. 30.* Reader at Kirk of Meigle, pp. 444–5.

*Nov. 1.* University of St Andrews, pp. 445–8.

*Nov. 3.* Ratification of the Gift, and Mortification of the Rents of the Bishopric and Priory of St Andrews to the University, p. 449.

*Nov. 12.* Commissioners for the Kirk, p. 460.

*Nov. 13.* Reasons for reuniting the 7 Kirks in Dumbartonshire as they were in former time—Commissioners for Plantation of Kirks, p. 461.

*Nov. 15.* Plantation of Kirks—Breakers of the Lords day—Collegiate Kirks, Provostries and Prebendaries, pp. 466–73. Commission for Plantation of Kirks, p. 470.

*Nov. 16.* Supplication of John Guthrie, late Bishop of Morray—University of St Andrews—Collegiate Kirks—Superiority of Bishops Lands, p. 482. Commission for Visitation of Colleges of St Andrews, p. 493. Act in favour of Laik Patrons of Provostries, Prebendaries, Chaplainries, and Altarages, p. 500.

*Nov. 17.* Act anent the erection of the Kirk of Elie, p. 559. Do. of Anstruther Easter, p. 561. Denny, p. 562. Ratification of the Bishopric of Aberdeen to the Colleges, p. 565. To the College of Glasgow, p. 566. To the Kirk of Leith, p. 567. Kirk of Carrestoun, p. 568; and Bonds to Kirk



thereof, p. 569. Ratification to Minister of Turreff, p. 569. Of Patronage of the Kirk of Dyke to Earl of Dunfermline, p. 569; and Lordship of Dunfermline, p. 571. Ratification to Leslie of Tack of Bishopric of Orkney, p. 577. Do. in favour of Minister of Culross, p. 578. Ratification to Marquis of Hamilton of Patronages of Calder and Monkland, p. 588. Ratification of disuniting Kirks of Kirkmabreck and Kirkdaill from Anveth, p. 595. Do. Teinds of Calder to Stirling of Keir, p. 596. To Minister of Donoon of 1200 merks, p. 597. Ratification of Barony, Regality, and Temporality of Glasgow Bishopric to Duke of Lennox, p. 597. Of Cathedral at Dornoch, p. 599. Do. to Minister and Schoolmaster at Glenluce, p. 602. Ratification of Gift to Town of Edinburgh of Teinds, &c., of Bishopric of Edinburgh, p. 605. Teinds of Kilrennie, p. 606. Castle of Spynie to Innes, p. 607. Of 1000 merks to the Cathedral of Dunkeld, p. 607. Patronage of Kirmaden, p. 608; and a great number of other ratifications of the same kind, amounting in all to 360—passed in *cumulo*.

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THE

## GENERAL ASSEMBLY,

AT EDINBURGH, 1643.

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THE proceedings of the Assembly in 1642, as the reader must have perceived, from the nature of some of its Acts, were of a very important character and tendency; and, having given the authenticated record, it now becomes requisite, with reference to the current of events, to recur to these in connection with the political occurrences with which they were combined, as forerunners of the proceedings in the Assembly of 1643.

It will be recollected that, some months previous to the Assembly of 1642, a complete rupture had taken place betwixt the King and the English Parliament—that both parties were busied in preparations for an appeal to arms—that the Commissioners for the Scotch Covenanters had tendered their mediation, and obtruded their unseasonable project for establishing Presbytery in England as the means of allaying all animosities betwixt the King and his English subjects—(a proposition which was reproved by the King, but encouraged by the parliamentary leaders)—and that, notwithstanding the King's reasonable objections to the Scotch intermeddling with the affairs of England, a popular petition was presented to him, through the Scotch Council, persisting in these hostile interventions respecting the Church of England. This took place on the very eve of the meeting of that Assembly on the 27th of July.

The King's letter to the Assembly gave assurances of the most friendly kind with respect to the Kirk as now restored to its Presbyterian form and privileges, and called upon it to promote peace and obedience to the laws by precept and example. Soon after it met, a "Declaration of the Parliament of England" was also laid before it; but neither the

date of that document, nor of its receipt, nor of the answer to it which is subjoined in the printed Acts, appears from thence. To the King's letter, it will be observed there is, in the answer, an exuberant declaration of "great joy and gladnesse" on hearing it read, and assurances of promoting loyalty, peace, and religion. But this is followed by a pressing demand for "unity in religion and uniformity of church government, as a meane of a firme and durable union betwixt the two kingdomes, and without which, former experiences put us out of hope long to enjoy the puritie of the Gospel with peace," &c.; and all this is wound up with a high rhetorical flourish. In the Declaration from the Parliament, the cunning malecontents, by whom it was sent, adopted a language suited to the taste of their Scottish confederates, ascribing all the troubles to "the plots and practises of a malignant party of Papists and ill-affected persons, *especially* of the corrupt and dissolute Clergy;" the "instigation of Bishops and others," actuated by "avarice and ambition, being not able to bear the reformation endeavoured by the Parliament." And they express great concern for the King's honour and state, "the glory of God, by the advancement of the true religion, and such a reformation of the Church as shall be most agreeable to God's Word."

To this vague and guarded communication, the Assembly made an elaborate answer, intimating "their serious thoughts and earnest desires for unity of Religion; that in all His Majesties dominions there might be one Confession of Faith—one Directory of Worship—one publike Catechisme—and one forme of Kirk Government;" and for "suppressing the names of heresies and sects, Puritans, Conformists, Separatists, Anabaptists," &c. In conclusion, the Assembly plainly suggests, to the English Parliament, that "the Prelaticall Hierarchie being *put out of the way*, the work will be easie, without forcing of any conscience, to settle in England the government of the Reformed Kirks by Assemblies; for although the Reformed Kirks do hold, without doubting, their kirk officers and kirk government by Assemblies higher and lower, in their strong and beautiful subordination, to be *jure divino*, and perpetuall; yet Prelacie, as it differeth from the office of a pastor, is almost universally acknowledged by the Prelates themselves, and their adherents, to be but an humane ordinance," &c., which, "without wronging any man's conscience, may be altered and abolished."

Besides the letter from the Parliament, the Assembly were favoured with a similar one from "some Ministers of England," whose names, however, are not given in the copy of it, but much more in accordance with the views of the Assembly, inasmuch as they avow their preference of the Presbyterian system. To this a cordial response was given, concluding with a proposal for a united Assembly of the divines of both kingdoms to settle all points of faith, catechisms, and directory for public worship.



These several communications, from the Assembly of 1642, were accompanied with applications to the Lords of Privy Council and Conservators of the Peace for their concurrence in support of these views and objects, by pressing them on the King and Parliament of England. Lord Maitland was authorized to proceed thither with the answers to the King and Parliament; and they gave instructions to their Commissioners in London to enforce these preconcerted measures. But the crowning act of this scheme was the appointment of a "Commission for publick affairs of this Kirk, and for prosecuting the desires of this Assembly, to his Majestic and the Parliament of England." Of the proceedings of this formidable Commission, we shall have occasion to treat in the sequel. It comprised fifty ministers, ten noblemen, and fifteen barons and burgesses, being in all seventy-five members, who henceforward formed, as it were, a second House of Parliament in Scotland, exercising functions that embraced both the civil and ecclesiastical concerns of Scotland, as well as trenching upon those of England. Its members were the leaders of the Covenant throughout its career; and the laymen amongst them were those whose ardent zeal had been rather quickened than quenched by the spoliation of the Episcopal revenues, in the Scottish Parliament of November, 1641—an exemplar which, doubtless, awakened the cupidity of many among the English Puritans, who now panted for a similar and even more extended change; for a large portion of these were Independents, and contemplated the adoption of a more comprehensive appropriation in their legislation, which might extinguish the Episcopal without rearing a Presbyterian Church, and thus leave the wealthier endowments of the English Church to the rapacious hands of the most potent among them.

In order to carry out the principles of this scheme, the Assembly thought it fitting to keep up popular excitement throughout the country; and, for this purpose, a fast was appointed, and the clergy were enjoined to forward the "great work of unity of religion, and uniformity of kirk-government," by preaching and praying with their flocks on the subject.

It is not necessary to notice all the subordinate Acts of that Assembly, many of which were competent and laudable; but there was one by which, without imputing any sinfulness to church patronage, or proposing to abolish it, they merely sought to appropriate the exercise of it to the Assembly itself. The King, in the great abundance of his concessions, had agreed to exercise the royal church-patronage, by bestowing presentations on some one in a leet of six to be named by the Presbyteries within whose bounds vacancies should occur; and, founding on this concession, the Assembly 1642 issued instructions to all the Presbyteries, in the first instance, to transmit these leets through the Synods to the Assembly, in order that its fiat might be given in the selection of presentees. Such were

the views of the covenanted Assemblies on this subject. Yet much as they desired to possess this troublesome privilege, they did not prize it so highly as to sacrifice their clerical interests in its acquisition; for when Argyle offered to renounce all his patronages into the hands of the Church, provided they would relinquish all claims to augmentations of stipends in his parishes, the proposal was rejected.

It is impossible to doubt that, in all these unexampled proceedings, the Covenanters meant to intimate to the King their intentions to make common cause with their fellow-sympathizers in England; for they knew full well—and, if we are to give them credit for sincerity, they had declared their acquiescence in the stipulation—that the King had conceded Presbytery in Scotland upon the clear understanding that his doing so should not imply any intermeddling with Episcopacy in England; and his well known principles on that score, and uniform adherence to them, left no reason to expect that he would ever consent to this, save on the compulsor of sheer force. Their proposals to that effect, therefore, were tantamount to a declaration that they would co-operate with the English agitators in forcing their favourite form of Church Government upon him and England; and it is to be regretted that an interference with the internal affairs of England—which was so entirely beyond the legitimate sphere of the Scottish Estates, and which ultimately led to the most calamitous consequences—was pressed with such inflexible pertinacity.\*

Amidst all these longings after "unity and uniformity in both kingdoms," however, in which these zealous men indulged, it is important to ascertain the state of feeling among themselves, after the time that they had obtained the ratification by the King and Estates in Scotland of all their Acts of Assembly, &c. We shall not take the accounts of Guthrie, Burnet, or other hostile chroniclers, nor the statements of more modern writers, whether Whig or Tory—for we cannot quite adopt all the views either of Mr Hume or Mr Malcolm Laing, the latter of whom informs us that the "pure and unmixed flame of liberty" which burned in the hearts of the Covenanters, "was fed and, at length, gradually contaminated by the spirit of *religion*," and that "the limits of moderation and prudence were overstept by intolerant zeal—the *distinguished attribute of an Established Church*."† We prefer the homely testimony of Baillie; and to those who, in our own times, talk of the period immediately subsequent to 1638, as "the golden age" of the Kirk, we commend the following passages for study:—

In one of his letters to his cousin Spang, referring to the doings of the Parliament 1641, he says—

\* The several proceedings which we have thus characterised freely but honestly, are recorded in the Acts of the General Assembly 1642, to which we have alluded.

† History of Scotland, vol. i., p. 245.



“Good Mr Henderson all the time was very silent, and under misconstruction with the chief of his old friends, as if he had been too sparing of his Majesty in these dangerous occasions, and that in his sermons some sentences did fall from him prejudicial to the States proceedings.”—(Vol. i., p. 334.) “There was a committee of our Estates appointed to attend the Parliament of England, not so much for the perfecting of our treaty, as to keep good correspondence in so needful a tyme. None of the former Commissioners were employed but Sir Arch. Johnston and Sir John Smith; for the most of all the rest were fallen in the countrys dislike, complying too much with the King. Certainly Dumfermline, Waughton, Sheriff of Teviotdale, Riccarton, Clerk of Dundee, tint all credit with the States.”—(P. 335.) He gives a sketch of the state of England thus:—“That country is in a most pitiful condition; no corner of it free from the evils of a civil war. Every shire, every city, many families divided in this quarrel; much blood and unusual spoil made by both where they prevail.”—(P. 355.) “Our heartburnings increase, and with them our dangers.”—“We fear the two part of our nobility, and many of our gentry.”—(P. 355.) “The affairs of this Isle go as a ship exceedingly tossed in a dangerous sea.”—(P. 364.) And, referring to ecclesiastic matters, (p. 362,) he says—“The matter of our *novations* is worse than before.”—“The letter I procured to some of our Presbyteries was made use of, as I wrote to you, in our Provincial at Irvine. This did much exasperate the brethren who were patrons of that way, so that immediately Mr Gabriel Maxwell, by the consent of some others, did write, in five sheets of paper, a full treatise, in a very bitter and arrogant strain, against the three nocent ceremonies—*Pater Noster*, *Gloria Patrie*, and kneeling in the pulpit—by a great rabble of arguments, both particular and general, which go far beyond these three particulars questioned, the unlawfulness of our church practice;” and then he proceeds with details of those polemics, which he winds up (p. 363) by saying, “I am doing all I can to set all instruments on work for the quenching of that fire.”

Such was the state of excitement in Scotland during the year 1642, while the civil war was raging in England. The Parliament of the latter having passed an ordinance for settling the militia in such hands as they should think fit, the King, on the 11th of June, issued his commissions of array; and, after hostilities had actually commenced, set up the royal standard at Nottingham, on the 22d of August, with great pomp and circumstance. We have already noticed the brotherly correspondence betwixt the Assembly of 1642 and the English Parliament; and the latter communicated a response through Maitland to the Commission of Assembly, on the 21st of September, for which it was “glad and blessed God.” Its purport was to the effect that they purposed calling an Assembly of learned and godly divines; and to insure co-operation in the war

both of the pen and of swords, that reply intimated that Prelacy “is evil, and justly offensive and burdensome to the kingdome—a great impediment to reformation and the growth of religion—very prejudicial to the state and government of the kingdom—and that the same should be taken away.” But, with wary caution, they abstained from pledging themselves to the establishment of Presbytery.

The King, knowing full well that the Parliamentary leaders desired only the assistance of the Scotch to demolish the English hierarchy, wrote a letter to the Scotch Council (26th August) expressive of his anxiety to adopt all necessary reformation in the English Church, but assuring it that the Parliament had no intention to adopt Presbytery.

The Scotch Conservators, whom the Chancellor had appointed to meet, assembled on the 22d of September; and efforts were made, by Hamilton and others, to awaken a feeling of loyalty to the King, whose arms in various conflicts had been successful. An answer was sent, in which it was requested that the Queen, who was on the Continent, should return to Britain and exert her good offices as a mediatrix; and they pledged themselves that, should that mediation fail of success, they would support the throne. This declaration was signed by the most popular leaders—among others by Alexander Henderson. This favourable disposition was, however, soon counteracted; for the great body of the clergy, who had a morbid antipathy to Prelacy and a horror of Popery, (even in soldiers, whom the King had employed,) took the alarm, and the pulpits resounded with declamations on “the Kirk in danger,” which once more filled the populace with alarms. The English Parliament, whose military operations had hitherto been unpropitious in this conjuncture, sent down a Declaration to the people of Scotland, expatiating on the dangers to which religion was exposed, and entreating cordial support—(7th November;) and the King, apprehensive of the effects which might follow, sent a counter Declaration to the Council, which was convened on the 20th of December, to consider both Declarations. A struggle ensued. Argyle, who, for some time past, had been on amicable terms with Hamilton, broke off to the alarmists and joined the clerical party, insisting that both declarations should be published, or neither. This was resisted, on the ground that it was putting the English Parliament on a level with their own King, whose address it was their duty, as his Council, to communicate to his Scotch subjects; while, as regarded the Parliament’s Declaration, it was beyond their province to recognise or act upon it. From that moment, the chief men in the kingdom were openly divided into two parties in Scotland—the one for the King, and the other for the Parliament of England.

Whenever it was known that the Council had resolved to publish only the King’s Declaration, a new agitation arose, headed and excited by the clergy; and great multitudes of the alarmists



resorted to Edinburgh in the beginning of January 1643. On the 6th of that month, a petition was got up, thus enforced, and presented to the Council, craving that the Parliament's Declaration should also be published, and that the publication of the King's should not be held to imply approval; and similar petitions were sent in from all quarters of the country. In order to counteract these movements, Traquair, and many of the most eminent nobility, and others, put in a "Cross Petition," requesting the Council to take no steps prejudicial to the rights and privileges of the Crown, to keep in view the distinction betwixt civil and ecclesiastical power, and to avoid giving any pledges to the English Parliament, which might put the peace and religion of Scotland in jeopardy. This Cross Petition, though apparently most unexceptionable, and founded on sound constitutional principles, was not to the taste of the excited clergy, who not only refused to join in it, but exclaimed against "detestable neutrality," and threatened all who signed it with eternal damnation. The Commission of the former Assembly, directing the popular torrent and swelling its force by their authority, transmitted a declaration against the Cross Petition to all Presbyteries, ordering it to be read from all pulpits, and enforced by the ministers. Overborne by these wide-spread clamours, the Council at length yielded, gave an evasive answer to the Cross Petition, and appointed Commissioners to mediate betwixt the King and his English Parliament—including in the number Mr Henderson and other clergymen. These Commissioners were instructed to desire from the King, uniformity of religion—that all Papists should be removed from his service—that he himself should renounce Episcopacy—and that a Parliament in Scotland should be called.

The exasperation thus created was increased by a feud betwixt Hamilton and Loudoun, about certain leases of teinds enjoyed by the latter; and the ferment excited by all these means was extreme.

These Commissioners went to Oxford immediately afterwards, (February,) when the first proposition submitted to the King was contained in a petition from the Commission of Assembly against Prelacy and Popery. Though enforced by the private advice of Loudoun, that the King's acquiescence on this point would insure him the support of the Scotch nation, he refused to yield, and soon after published a formal answer to the application. Failing in this, the Commissioners urged their mediation, and that a Parliament in Scotland should be called, although, by an express act in 1641, the meeting of that Parliament was, with consent of all parties, postponed till 1644. The King declined to accede to either of these demands; and the Commissioners, after being refused permission to go to London, returned to Scotland, chagrined with the failure of their mission, and the coldness of their reception at the King's Court.

The Scotch agitators, however, were not to be thus balked in their designs. Having a complete

ascendancy in all the executive departments—in the Council—in the Committee of Conservators—in the Commission for public burdens—a meeting of these three bodies was convened on the 10th of May 1643, at the instigation of the Assembly's Standing Commission. It was then proposed that, in consequence of the warlike position on the English frontier, it was necessary to put the Border in a state of defence, and that for this purpose a Convention of the Estates should be called without the King's previous sanction. This was opposed by Hamilton, the Lord Advocate, and others; but all legal objections were overborne, and the convention was summoned by the Chancellor for the 22d of June; an apology having, in the meantime, been sent to the King for this unwonted proceeding.

The meeting of the Convention was heralded through the country by a fast and political sermons. In order to quiet the scruples of many honest and loyal Presbyterians, a scheme was devised for this purpose, by getting up a Remonstrance from the Assembly's Commission, setting forth the danger of the Church and nation. This Remonstrance pressed the Convention to make common cause with their English brethren; and although it did not expressly mention the employment of an armed force for the purpose, it was clearly implied that this, as on former occasions, should be the mode of supporting religion; with this difference, however, that, in 1639 and 1640, this had been done in their own national quarrel, whereas now it would be an intervention in the affairs of a foreign country. The Convention thus prompted and cheered on to the crusade by multitudes who had thronged to Edinburgh, resolved to arm the nation, and ordered troops forthwith to be levied. Before the deliberations of the Convention terminated, a messenger from the English Parliament arrived, and, with the characteristic policy of the times, intimated from it, that, in conformity with the communications to and from the last General Assembly, an Assembly of Divines was about to be convened at Westminster, for regulating the worship and polity to be introduced into the Church of England, and uniformity to be established in these matters in both Kingdoms.\*

These were the preliminaries to the meeting of the General Assembly on the 2d of August 1643; and to the Acts of that Assembly we now refer for a full developement of the spirit which emanated from that body. The incidents of a political nature, and the sequences which followed it, will form the subject of our next introductory chapter.

In the foregoing pages, we have endeavoured to trace, with an unbiassed hand, a faithful picture of the ecclesiastical state of Scotland during a period of six eventful years. In the progress of the scenes which we have attempted feebly to delineate, we have marked the career of the Covenanters from the earlier virtuous and patriotic resistance which they

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\* Vide the Account of Westminster Assembly, in excerpts from Baillie's Letters among Documents.



made to lawless and arbitrary power on the part of the monarch, in which our honest judgment and our cordial sympathies were completely on their side.

We have now reached a new epoch in their history, which is of a more equivocal character, and which has been the subject of much controversy. On this ground, therefore, we deem it our duty to abstain from all remark or reflection, as altogether unsuited to the nature of our undertaking—leaving the documentary evidence which we present to make its own impressions on the reader's mind. We shall thus avoid entangling ourselves in the mazes of party prejudice and contention in reference to "THE SOLEMNE LEAGUE AND COVENANT,"\* without compromising our own views of the history of that period; and for this course we see abundant reason, when we consider some recent events in the movements of our Northern Church, which have produced a degree of excitement that is but little calculated to ensure a dispassionate consideration of the troubles in other times. Henceforward, therefore, our Introductory Notes shall be limited to a Chronological Index of events connected with the proceedings of the Church, in which it shall be our study to avoid everything that can by possibility disturb the nerves of the most fastidious partisans of any class of opinions.

## THE PRINCIPALL ACTS

OF THE GENERALL ASSEMBLY, CONVEENED AT  
EDINBURGH, AUGUST 2, 1643.

Sess. I. August 2, 1643.

*The King's Letter to the Generall Assembly, presented by His Majesties Commissioner, Sir Thomas Hope of Craighall, Knight, His Majesties Advocate.*

CHARLES R.

TRUSTIE and wel-beloved, We greet you well. The time now approaching for the holding of the General Assembly of Our Kirk of Scotland, and We having appointed Sir Thomas Hope, Our Advocate, to be our Commissioner there, We thought good to present him there with these Our Letters, and to take this occasion to minde you of the duty which you owe to Us your Sovereigne, and to the peace of that Our Native Kingdome. How far We have lately extended Our grace and favour towards satisfaction of your humble desires, there is not any amongst you but may well remember: And therefore in this conjuncture of Our affairs, it is but reasonable that We expect from you such moderation in the dutifull proceedings of this Assembly, as may concurre with Our Princely inclinations and desires, to preserve that Kirk and that our Kingdome in peace; having wel observed that alterations in points of Religion, are often the inlets to

\* Vide p. 362.

civill dissensions, and the hazard, if not overthrow of both Kirk and Kingdomes. Therefore of Our great affection and speciall tendernesse to your peace (who, of all Our Dominions, are yet happie therein to the envy of others) We conjure and require you in the fear of God, and obedience of Us his Vicegerent, that your endeavours and consultations tend onely to preserve peace and quietnesse among you. And so We bid you farewell. Given at our Court at Oxford, the 22 day of July, 1643.

To our right trusty and welbeloved Counsellour, Sir Thomas Hope, Knight, Our Advocate Generall, and Our Commissioner at the Generall Assembly of the Kirk in Our Kingdome of Scotland, and to the rest of the said Assembly now convened.

Sess. II. August 3, 1643.

*Overtures anent Bills, References, and Appeales.*

I. THAT all Bills whatsoever of particular concernment, whereunto all parties having interest are not cited, should be rejected.

II. That all Bills be first presented to the inferiour Judicatories of the Kirk, who may competently consider of them, and from them be orderly and *gradatim* brought to the Assembly, according to the order prescribed for Appellations in the Assembly of Edinburgh, 1639, in the 24 Sess. August 30.

III. That the said Act of Assembly 1639, anent Appellations, be also extended to References.

IV. In Appellations and References of particular concernment, if all parties having interest, have been present in the inferiour Judicatorie when the Appeal and Reference was made, then there is no necessitie of citation. But in case of their absence, citation of parties is so necessar, that if it be wanting, Appellations and References should not be received.

V. That conform to former Acts of Assemblies, Appellations *post sententiam* be made within ten dayes after the sentence, and otherwise not to be respected.

The Assembly ordaines thir Overtures to be given to the severall Committees for their direction.

Sess. III. August 4, 1643.

*Act for election of Professours to be Commissioners to Assemblies by Presbyteries.*

THE Assembly thinks, if Professours of Divinitie in Universities be Ministers, that they may be chosen Commissioners to the Generall Assembly, either by the Presbyterie as Ministers, or by the Universitie as Professours of Divinitie.

Sess. IV. August 5, 1643.

*The Petition of the distressed Professours in Ireland for Ministers.*

To the reverend and honourable Moderatour and remanent Members of the Generall Assembly of Scotland, convened at Edinburgh, Aug. 1643, The humble Petition of the distressed Christians in the North of Ireland,

*Humbly sheweth,*

THAT whereas you were pleased the last year to take notice of our Petition, and conceived so favourable an act in our behalf, from our hearts we blesse the Lord God of our fathers, who put such



a thing as this in your heart, to begin in any sort to beautifie the house of the Lord amongst us : doubtlesse you have brought upon your selves the blessing of them who consider the poor ; the Lord will certainly deliver you in the time of trouble. We trust no distance of place, no length of time, no pressure of affliction, yea, nor smiling of prosperity, shall delete out of our thankfull memories the humble acknowledgement of your so motherly eare, in drawing out your breasts, yea, your souls to satisfie the hungrie ; although we have been beaten with the sword, bitten with famine, our own wickednes correeting us, our baek-slidings reproving us, yet we have not so farre forgotten the Lords ancient love, but that our hearts were brought to a little reviving in the midst of our bondage, by the Ministry of these, who at your direction made a short visit amongst us. We know you did not conceive it expedient at that time, to loose any for full settling here, till the waters of the bloody inundation were somewhat abated, and probability might be of some comfortable abode, which we through the Lords revenging hand, pursuing our enemies, and the vigilancie of your victorious Army, is in a great measure attained unto. Whatsoever might have detained some of these whom ye directed to us, whose stay made our expectation prove abortive, we shall ascribe it to our own abuse of such treasure, and want of spirituall hunger, occasioned justly through the want of food ; And yet that same dis-appointment, together with your faithfull promise of enlarging your indebted bountie, which is put upon record in all our hearts ; hath made us conceive the seed of a lively expectation, that you will now no more put your bountie, and the means of our life, into the hazard of such frustrations, but will once for all, bestow an ample and enduring blessing. And of this we are so much the more confident, because our former suit was not denyed, but delayed : only we fear, if a new delay be procured, till all things be fully settled, that the observing of winde and clouds, shall hinder both sowing and reaping. And in the mean time, the Prelates and their Faction may step in and invest themselves of their old tyrannie over our consciences, who if they once shall see us possessed of our own Inheritance, those Canaanites dare not offer to thrust us out. By all appearaunce, if the Jesuites had any hope to finde welcome amongst us, they had provided us fully ere now with their poisoned plants. Our hearts abhorre the checking or suspecting of your proceedings, yet it is lawfull to learn sometime from our enemy : But in this you have begun before, not only to do, but also to be forward a year ago, and thereby have ingaged your selves to perfect your own beginnings, and bring us out of our orphan condition. We are fallen in your lap, this ruine must be under your hand ; you cannot pretend want of bread or cloathing, you must be healers : We have chosen you Curators to your little young sister that wants breasts ; there is none in earth to take her out of your hand, for we will not, nor cannot hide it from your Honours and Wisedomes, that we want bread, and must not only, as before, have a bit for our present need, but also seed to sow the Land.

It is therefore our humble and earnest desire, that you would yet again look on our former Petition, and your own obligatorie Act, and at least declare your consent, that a competent number of our own Ministers may be loosed to settle here, and break bread to the children that lye fainting at the head of all streets ; whieh, although it may be aecounted but a restoring of what we lost, and you have found, yet we shall esteem it as the most precious gift that

earth can afford. When they are so loosed, if they finde not all things concurring to elear Gods ealling, it will be in their hand to forbear, and you have testified your bountie. But oh, for the Lords sake, do not kill our dying souls, by denying these our uecessar desires. There are about twelve or fourteen waste congregations on this nearest coast, let us have at least a competent number that may erect Christs throne of discipline, and may help to bring in others, and then shall we sing, that the people who were left of the sword, have found grace in the wilderness. We have sent these our brethren, Sir Robert Adair of Kinhilt, Knight, and William Maekenna of Belfast, merchant, to attend an answer from you, who have attained that happiness to be lenders and not borrowers, and to present the heartie longing affections of

Your most obliged and more expecting  
brethren and servants.

*Subscribed by very many hands.*

Sess. VI. August 8, 1643.

*Acts for subscribing the Covenant.*

THE Generall Assembly considering the good and pious adviee of the Commissioners of the last Assembly, upon the 22 of September 1642, *post meridiem*, recommending to Presbyteries to have Copies of the Covenant to be subscribed by every Minister at his admission, doth therefore ratifie and approve the samine. And further ordaines, that the Covenant be reprinted, with this Ordinaunce prefixed thereto, and that every Syuod, Presbyterie, and Paroeh, have one of them bound in quarto, with some blank paper, whereupon every person may be obliged to subscribe : And that the Covenants of the Synod and Presbyterie be kepted by their Moderatours respective ; of Universities by their Principalls, of Paroches by their Ministers, with all carefulnesse. And that particular account of obedience to this Act, be required hereafter in all visitations of Paroches, Universities, and Presbyteries, and in all trialls of Presbyteries and Synod books.

THE Generall Assembly considering that the Act of the Assembly at Edinburgh 1639, August 30, injoyning all persons to subscribe the Covenant, under all Ecclesiastieall censure, hath not been obeyed : Therefore ordaines all Ministers to make intimation of the said Act in their Kirks, and thereafter to proceed with the censures of the Kirk against such as shall refuse to subscribe the Covenant. And that exaet aaccount be taken of every Ministers diligence hereintill by their Presbyteries and Synods, as they will answer to the Generall Assembly.

Sess. VII. August 9, 1643.

*Act for searching Books tending to Separation.*

THE Generall Assembly considering the reecom-mendation of the Commissioners of the late Assembly at S. Andrews upon the 12 of May last, to every Minister within their severall bounds, especially to Ministers upon the coasts, or where there is Harbourie and Ports, to try and search for all books tending to Separation : And finding the same most necessar, do therefore ordain that reecom-mendation to have the strength of an ordinary Act of Assembly : And that every Minister be careful to try and search if any such books be brought to this



Countrie from beyond seas, and if any shall be found, to present the same to Presbyteries, that some course may be taken to hinder the dispersing thereof: And earnestly recommend to the Civill Magistrates, to concur with their authoritie in all things, for effectuall execution hereof.

*Approbation of the proceedings of the Commissioners of the last Assembly.*

THE Generall Assembly having heard the report of the Committee appointed to consider the proceedings of the Commissioners of the late Assembly at S. Andrews; after mature deliberation, and serious consideration thereof, findes the whole Acts, Conclusions and Proceedings of the saids Commissioners, contained in a Book and Register, subscribed by Master Andrew Ker their Clerk, and by Master David Lindsay, Moderatour, and Master James Hamilton, Clerk to the said Committee, to declare much wisdom, diligence, vigilancie, and every way commendable zeal and fidelitie in doing and discharging every thing according to their Commission.

Sess. VIII. August 10, 1643.

*Propositions given by the Commissioners of the Parliament of England to a Committee, to be presented by them to the Assembly.*

WE the Commissioners appointed by both Houses of the Parliament of England, desire your Lordships, and the rest of this reverend Committee, to represent to the reverend the General Assembly of the Church of Scotland, that we are commanded,

To acknowledge, with all thankfulness to God, their zeal for purging and reforming Religion, and care not only to prevent the growth, but utterly to extirpate the Reliques of Popery: And also the great blessing of Almighty God upon their so constant and faithfull endeavours, thus far establishing them in truth and peace, together with their labour of love, to procure the like happinesse to our Church and Nation.

To give them an account of their earnest desire and endeavour to see the same Work promoted and perfected among our selves; which though it hath been opposed and retarded by the industrious malice of the Popish, Prelaticall, and malignant partie, yet through Gods goodnesse it hath so far prevailed, as to produce the removeall of the High Commission, the making void the coercive power of the Prelates and their Courts, The ejection of the Bishops from the House of Peers, The turning out of many scandalous Ministers; Besides that they have passed and presented to his Majestie diverse Bills, viz., For the suppressing of Innovations, For the more strict observation of the Lords Day, Against Pluralities and non-residence, For the punishment of the scandalous Clergie, For the abolition of Episcopacie, and the calling an Assembly: The true Copies of which, we herewithall deliver. Which Bills, through the under-mining of the Papists, Prelates, and their party (the constant enemies of Reformation) have not yet obtained his Majesties Royall assent. And yet considering the urgent necessity of purging and settling the Church (as hath been often pressed and presented to the Parliament of England, by pious and frequent exhortations and Declarations from that reverend Assembly) they have been constrained by an Ordinance of both Houses, to call an Assembly of Divines, and others, now sitting, to consider and prepare what may conduce thereunto, which by the assis-

tance of some godly and learned Divines sent from this Nation (as is earnestly desired) we hope may, through the blessing of God, bring it to perfection.

And yet notwithstanding to let them know that by reason of the prevailing of the Papists, Prelaticall Faction, and other malignant enemies to this so much desired Reformation, (all of them being now in arms against the Parliament) these hopefull beginnings are likely, not onely to be rendred ineffectuall, but all the former evils, superstitions, and corruptions (which for the present, through the blessing of God, are in a good measure removed) to be re-introduced by strong hand, which if once they should take root again in the Church and Kingdome of England, will quickly spread their venome and infection into the neighbour Church and Kingdome of Scotland; the quarrell of the enemies of this Work being not so much against the persons of men, as the power of Godlinesse, and purity of Gods worship, wheresoever it is professed. Both Houses do therefore desire that reverend Assembly to lay seriously to heart the state and condition of their sister Church and Kingdome, and not only by their prayers to assist in these straits, but also by such seasonable and effectuall means as to them shall seem meet, to further and expedite the present aid and assistance demanded by both Houses.

And lastly to make known unto them, that we designed and sent by both Houses of Parliament, to the Generall Assembly of the Church of Scotland, to propound to them, and consult with them concerning such things as may conduce to our own Reformation, and our so much desired conjunction, with this Church, which they have more fully expressed in a Declaration of their own, which herewithall we present.

WILLIAM BOND,  
Secr. Commiss.

August 10, 1643.

*A Declaration of the Lords and Commons in the Parliament of England, to the Generall Assembly of the Church of Scotland.*

THE Lords and Commons in Parliament acknowledging with humble thankfulness to Almighty God, the disposer of hearts, the Christian zeal and love which the Generall Assembly of the Churches of Scotland, have manifested in their pious endeavours for the preservation of the true reformed Protestant Religion, from the subtle practices and attempts of the Popish and Prelaticall party, to the necessary Reformation of Church discipline and Government in this Kingdome, and the more near union of both Churches, do earnestly desire that reverend Assembly to take notice, that the two Houses of Parliament, fully concurring with them in these pious Intentions, for the better accomplishment thereof, have called an Assembly of diverse godly and learned Divines, and others of this Kingdome, unto the City of Westminster, who are now sitting and consulting about these matters. And likewise have nominated and appointed John Earle of Ruthland, Sir William Armine Baronet, Sir Henry Vane the younger, Knight, Thomas Hatcher and Henry Darley, Esquires, Committies and Commissioners of both Houses, to the Kingdome and States of Scotland, who beside their Instructions in matters concerning the Peace and Commonweal of both Kingdomes, have received Directions to resort to the Generall Assembly of the Church of Scotland, and propound and consult with them, or any Commissioners deputed by them, in all occasions which may further the so much desired Reforma-



tion in Ecclesiasticall matters in this Church and Kingdome, and a nearer conjunction betwixt both Churches. In performance whereof, Master Stephen Marshall, and Master Philip Nye, Ministers of Gods Word, and men of approved faithfulness and abilities in their Functions, both Members of this Assembly of Divines here congregated, and sitting, are appointed to assist and advise the same Committee in such things as shall concerne this Church. And the two Houses do hereby recommend the Committees and Divines afore-mentioned, to the reverend Assembly of the Church of Scotland, to be by them received with favour, and credited in those things, which they, or any three, or more of them shall propound to them.

It is likewise desired, that that reverend Assembly will according to their former promise and resolution, send to the Assembly here, such number of godly and learned Divines, as in their wisdom they think most expedient for the furtherance of this work, which so much concerns the honour of God, the prosperity and peace of the two Churches of England and Scotland; and which must needs have a great influence in procuring a more safe and prosperous condition to other reformed Churches abroad. And that their endeavours may be more effectually, the two Houses do make this request to them, with their authority, advice, and exhortation, so far as belongs to them, to stir up that Nation to send some competent Forces in aid of this Parliament and Kingdome, against the many Armies of the Popish and Prelaticall party, and their adherents, now in arms for the ruine and destruction of the reformed Religion, and all the Professours thereof. In all which they shall do that which will be pleasing to God, whose cause it is, and likewise safe and advantageous to their own Church and Kingdome, who cannot securely enjoy the great blessings of Religion, peace, and Libertie in that Kingdome, if this Church and Kingdome, by the prevailing violence of that partie, shall bee brought to ruine and destruction.

JO. BROWNE, HENR. ELSYNGE,  
Cleric. Parliamentorum. Cler. Parl. D. Com.

*A Letter from some Brethren of the Ministerie in the Kirk of England, to the Assembly.*

REVEREND AND BELOVED,

THE experience which we have had of your forwardnesse in receiving, and faithfulness in weighing our former addresses, hath given us abundant encouragement to take hold upon this present opportunitie of breathing out something of our sorrowes, which your love and our necessity, command us to represent to your consideration and compassion. Much we know we may commit to the wisdom and fidelity of our Brethren these messengers, to impart unto you concerning our miserable condition, and unto them shall leave the most. Your own Nationall, but specially Christian interest, will not permit you to hide your eyes from the bleeding condition of your poor distressed Brethren in England, should neither Letters nor Messengers be sent unto you; But Messengers coming, we should at once neglect our selves, should we not thus a little ease our burdened hearts, by pouring them out into your bosomes, and seem ungratefull to you, of whose readinesse to suffer with us, and do for us, we have had so great and ample testimonies.

Surely if ever a poor Nation were upon the edge of a most desperate precipice, if ever a poor Church

were ready to be swallowed up by Satan and his Instruments, we are that Nation, we are that Church. And in both respects by so much the more miserable, by how much, we expected not a Preservation onely, but an augmentation also, of happiness in the one, and glory in the other. We looked for Peace, but no good came, and for a time of healing, and behold trouble! Our GOD who in his former Judgements was a moth and rottenesse (and yet had of late begun to send us health and cure) is now turned into a Lion to us: and threatens to rend the very cawle of our hearts: from above he hath sent a fire into our bones, and it prevails against us; from our own bowels he hath called forth, and strengthened an adversarie against us, a generation of brutish hellish men, the rod of his anger, and the staff of his indignation, under whose cruelties we bleed, and if present mercy step not in, we die. *Righteous art thou, O LORD, and just are all thy Judgements!* But O the more then barbarous carriages of our enemies, where ever GOD gives any of his hidden ones up into their hands, we need not expresse it unto you, who knows the inveterate and deadly malice of the Antichristian faction against the members of our Lord Jesus. And it is well we need not expresse it unto you, for in truth we cannot. Your own thoughts may tell you better then any words of ours, what the iueric of Papists is, toward the Ministers and servants of our Lord Jesus Christ. But the Lord knows we are not troubled so much with their rage against us, or our own miseries and dangers; but that which breaks our hearts is, the danger we behold the Protestant Religion, and all the reformed Churches in at this time, through that too great and formidable strength the Popish faction is now arrived at. If our GOD will lay our bodies as the ground, and as the street under their foot, and poure out our blood as dust before their fury, the will of the Lord be done, might our blood be a sacrifice to ransom the rest of the saints or Church of Christ from Antichristian fury, we would offer it up upon this service gladly. But we know their rage is insatiable, and will not be quenched with our bloods, immortal, and will not die with us, armed against us, not as men, but as Christians, but as Protestants, but as men desiring to reform our selves, and to draw our selves and others yet nearer unto God. And if God gave us up to be devoured by this rage, it will take the more strength and courage (at least) to attempt the like against all the Protestant and reformed Churches. In a deeper sense of this extream danger, threatening us and you, and all the Churches then we can expresse, we have made this addresse unto you; in the bowels of our Lord Jesus Christ, humbly imploring your most fervent Prayers to the GOD that hears Prayers; who (should we judge by providences) seems to be angry with our Prayers (though we trust he doth but seem so, and though he kill us, yet will we trust in him) Oh, give us the brotherly aide of your re-inforced tears and prayers, that the blessings of truth and peace which our prayers alone have not obtained, yours conjoynd, may. And give us reverend and much honoured in our Lord your advices, what remains for us further to doe, for the making of our own and the Kingdomes peace with GOD. We have lieu in the dust before him; we have poured our hearts in humiliation to him, we have in sincerity, endeavoured to reform our selves, and no lesse sincerely desired, studied, laboured the publick Reformation; Neverthelesse the Lord hath not yet turned himself from the fiercenesse of his anger. And be pleased to advise us further, what may be



the happiest course for the uniting of the Protestant partie more firmly? that we may all serve GOD with one consent, and stand up against Antichrist as one man, that our GOD who now hides himself from his people may return unto us, delight in us, scatter and subdue his and our enemies, and cause his face to shine upon us. The Lord prosper you and preserve us so, that the great work of these latter ages may be finished to his honour, and our own and the Churches happinesse through Christ Jesus.

*Subscribed by very many hands.*

Sess. IX. August 11, 1643.

*Act against Burialls and hinging of Honours, &c. in Kirks.*

THE Generall Assembly considering the great abuse of burying within Kirks, wherein GODS publick worship is exercised, notwithstanding diverse Acts of this Kirk, prohibiting the same; And that through toleration thereof, other abuses in hinging of Pensils and Brods, affixing of Honours and Arms, and such like scandalous Monuments in the Kirk, hath crept in. Therefore for remedy hereof, do hereby ratifie and approve the former Acts and Constitutions made against burials in Kirks. And inhibites and discharges all persons of whatsoever qualitie, to bury any deceased person within the body of the Kirk, where the people meet for hearing of the Word, and administration of the Sacraments; And als inhibites them to hing Pensils or Brods, to affixe Honours or Arms, or to make any such like Monuments, to the honour or remembrance of any deceased person upon walls, or other places within the Kirk, where the publick worship of God is exercised, as said is.

Sess. X. August 12, 1643.

*Act anent reposition of Ministers, deposed by Superiour Judicatories.*

THE Generall Assembly, considering that sentences of Superiour Judicatories of the Kirk should stand effectually, while they be taken away by themselves, and that they should not be made void and ineffectually by Inferiour Judicatories: Therefore discharges all Provinciall Assemblies to repone any Minister deposed by the Generall Assembly; and all Presbyteries to repone any Ministers deposed either by Generall or Provincial Assemblies; And declares and ordains, that all such sentences of reposition by these Inferiour Judicatories respective shall be null in themselves; and that the sentences of deposition by the Superiour Judicatories respective shall stand valid and effectually notwithstanding thereof.

Sess. XI. August 14, 1643.

*Act against Masters who have Seruants that prophane the Lords day.*

THE Generall Assembly declares, that the Acts made against Salmond fishing upon the Sabbath, or against any other labour upon the Lords day, to be not only against servants who actually work: But also that the samine should be extended against masters, whose hired servants they are.

Sess. XII. August 15, 1643.

*Act for preparing the Directorie for the worship of God.*

THE Assembly considering how convenient it is that all the Ministers of the particular Kirks within this Kingdome, in their administration, keep unity and uniformity in the substance and right ordering of all the parts of the publick worship of God, and that all the particular Kirks by the same unity and uniformity, testifie their unanimous consent against all schisme and division, unto which these times, through the working of Satan and his instruments, against the propagation of the Gospel of peace are so inclineable: Doth ordain, that a Directorie for divine worship, with all convenient diligence be framed and made ready in all the parts thereof, against the next Generall Assembly, to be held in the year 1644. And for this end that such as shall be nominate by this Assembly, shall immediately after the rising of the Assembly, set themselves apart (so far as may be) from their particular callings, and with all diligence and speed, go about this so publick, so pious, and so profitable a work. And when they have brought their endeavours and labours about this Directorie to an end, that it be put into the hands of the Commissioners of the Generall Assembly, to be revised, and thereafter by them sent in severall Copies to all the particular Synods to be held in April and May, that the samine being reported with their consent, or with their observations, notes, and animadversions to the Generall Assembly, it may in end, after their full triall and approbation, by order and authority from them be received, and practised by all the Ministers and particular Kirks. And for preserving of peace and brotherly unity, in the mean while, till the Directorie by universall consent of the whole Kirk be framed, finished, and concluded, The Assembly forbiddeth, under the pain of the censures of the Kirk, all disputation by word or writing, in private or publick, about different practices in such things, as have not been formerly determined by this Kirk, And all condemning one of another in such lawfull things as have been universally received, and by perpetuall custome practised by the most faithfull Miuisters of the Gospell, and opposers of corruptions of this Kirk, since the first beginning of Reformation to these times. And doth exhort and command that all endeavour to keep the unity of the spirit, in the bond of peace, that all beginnings of Separation, all scandall and division, be by all means avoided; And that against envying, and strife, and faction, and glorying in men, every one go before another in the duties of love, and so fulfill the Law of Christ: That continuing in one spirit and one minde, and fighting together through the faith of the Gospell, we may mutually aide, strengthen and comfort one another in all Pastorall and Christian employments, better resist the common adversaries, edifie one another in the knowledge and fear of God, and the more acceptably, and with the greater blessing serve the Lord who hath done so great things for us.

*Propositions from the English Commissioners presented this day to the Assembly.*

WE the Commissioners appointed by both Houses of the Parliament of England, being commanded by them (as we have already declared) to



desire the reverend Assembly of Scotland, seriously to lay to heart the present Estate of their Sister Church and Kingdome of England, and not onely to assist with their Prayers in their straits, but also by such reasonable and effectuall means as to themselves shall seem meet to further and expedite the assistance now desired by both Houses from the Kingdome of Scotland, and a more strict union with them, Have thought fit in Pursuance of the commands received from both Houses of Parliament, to communicate to this Assembly the paper which to this purpose we have lately delivered to the Honourable Convention of Estates, in this Kingdome, that so this reverend Assembly might be the better enabled, to contribute their best assistance toward the furthering and expediting of the same. Wherein we assure our selves of their ready and willing affections, considering the great service they may do to God, and the great honour may redound to themselves in becoming the Instruments of a glorious Reformation, not onely through this Iland, but from thence possibly to be spread to other Churches now oppressed under the Antiehrastian bondage, and tyrannie of the Popish and prelatieall Faction. We will not say there lies any obligation upon this Church and Kingdome, to comply with the desires of the two Houses of Parliament; though we might call to minde that God by the hand of the Church and Kingdome of England, did once reach forth assistance and aid unto this Nation, and hath since used them as a help to that blessed Reformation it now enjoys. And who knoweth whether the wise providence of God hath not suffered this Church and Kingdome to be tempted thereby, to make them the more sensible of the present miseries of their brethren, and likewise given them a good issue, with the temptation, that they might be made a means of our deliverance? We shall not need to offer any grounds of prudence to invite them hereunto, who have already prevented us in the acknowledgement of what might be said of that kinde in the advice presented by the Commissioners of the Generall Assembly, July 6, 1643, unto the Convention of Estates, expressing as one remedie of the present dangers of this Church and Kingdome, their earnest desire of renewing the league and association with England, for the defence of Religion against the common enemy, and of further extending the same against Prelacie and Popish Ceremonies, for Uniformity in externall worship and Church-government. And we hope that the same God who hath put these desires into the hearts of both Kingdomes, will make use of this present opportunity to knit them both to himself and each other in a most strict and durable Union, and thereby the more firmly to establish truth and peace in both Nations. Howsoever this which we have done in discharge of our duty, will afford the comfort of a good conscience in our greatest distresses, and give us ground to expect deliverance some way or other from the manifold wisdom and power of God, who though men and means fail, will not cast off his people, nor forsake his inheritance. We have onely this to adde further, that we are commanded by both Houses to let this reverend Assembly know that it is their earnest desire, that what other Propositions may be thought fit to be added and concluded by this Assembly, whereby the assistance and Union betwixt the two Nations, may be made more beneficiall and effectuall for the securing of Religion and Libertie, should be offered to us, and taken to our speedy consideration.

WILLIAM BOND, Secr. Com.

August 15, 1634.

*The Paper before-mentioned, delivered August 12 to the Convention, and this day to the Assembly.*

WE the Commissioners appointed by both Houses of the Parliament of England, are by our instructions commanded to put their brethren of Scotland in minde that the Popish and Prelaticall Faction that began with them, about the year 1638 and 1639, and then intended to make way to the ruine of the Kingdome of England by theirs, have not abated any part of their malice toward the Nation and Church of Scotland, nor are at all departed from their designe of corrupting and altering Religion through the whole Iland, though they have inverted the manner of their proceeding, conceiving now that they have an easier way to destroy them, if they may first prevail over the Parliament and Kingdome of England. In which respect it is the desire of both Houses, that the two Nations may be strictly united, for their mutuall defence against the Papists and prelatieall Faction, and their adherents in both Kingdomes, and not to lay down arms till these their implacable enemies shall be disarmed, and subjected to the authority and justice of Parliament in both Kingdomes respectively. And as an effectuall mean hereunto, they desire their brethren of Scotland, to raise a considerable force of Horse and Foot, for their aide and assistance, to be forthwith sent against the Papists, prelatieall Faction, and malignants now in arms in the Kingdome of England.

And for the better encouragement of the Kingdome of Scotland to this necessary and so much desired Union, we are by both Houses of Parliament authorized to assure their brethren, that if they shall be annoyed or endangered by any Force or Army, either from England or any other place, the Lords and Commons of England will assist them with a proportionable strength of Horse and Foot, to what their brethren shall now afford them to be sent into Scotland for the defence of that Kingdome. And they will maintain a guard of Ships at their own charge upon the coast of Scotland, for the securing of that Kingdome, from the invasion of Irish Rebels or other enemies, during such time as the Scottish Army shall be employed in the defence of the Kingdome of England. And to the end that nothing might be wanting in the Parliament and Kingdome of England to facilitate this work (wherein the true reformed religion, not onely in these two Kingdomes, but throughout all Europe is so highly concerned; We are farther authorized to consider with their brethren the Estates and Kingdome of Scotland, of what other Articles or propositions are fit to be added and concluded, whereby this assistance and Union betwixt the two Nations may be made more beneficiall and effectuall for the security of Religion and Libertie in both Kingdomes.

All which being taken into the serious and Christian consideration of the right honourable the Lords and others of the Convention of the Estates of Scotland, we hope there will not need many arguments to perswade and excite them to give their consent, and that with all convenient speed, to these desires of both houses of the Parliament of England; seeing now they have so fully declared, as by what they have done already, so by what they are yet desirous to do, that the true state of this cause and quarrell is Religion, in the Reformation whereof they are, and have been so forward and zealous, as that there is not any thing expressed unto them by their brethren of Scotland, in their former or latter Declarations, which they have not seriously taken to



heart, and seriously endavoured to effect, (notwithstanding the subtle malicious and industrious oppositions) that so the two Kingdomes might be brought into a near conjunction in one form of Church-government, one directorie of worship, one Catechisme, &c., and the foundation laid of the utter extirpation of Popery and prelacie out of both Kingdomes. The most ready and effectuall means whereunto, Is now conceived to be, that both Nations enter into a strict Union and league, according to the desires of the two Houses of Parliament.

And to induce the perswasion of this (if there were cause) we might observe, that, in the many Declarations made by the Generall Assembly or States of Scotland, to their Brethren of England, there have been sundry expressions, manifesting the great necessitie that both Kingdomes for the securitie of their Religion and Liberties should joyn in this strict Union against the Papists, Prelats, and their adherents: As also in the endeavour of a near conjunction between the Churches of both Nations. The apprehension and foresight of which hath caused the Popish and Prelaticall Faction in forreigne parts as well as in his Majesties Dominions, strictly and powerfully to combine themselves to the hinderance of this so necessary Work, and the universal suppression of the true protestant Religion in Europe: A course not much different from that which they took in the year 1585, when the wisdom and zeal of this Nation to counter-myne so wicked a conspiracie, and from the due sense of the mutuall interest of these two Kingdomes in Religion and Libertie, found a necessity of entring into a league of this nature, as well considering, that thereby no lesse safetie might be expected to both Nations, then danger by forbearing the same. And though we doubt not but in so necessary and so good a Work, many difficulties may arise to interrupt and retard the same; yet we are as confident, that the heartie and brotherly affection of this Nation to the Parliament and Kingdome of England, will easily break through them; and the rather because in the like eases of difficultie and danger, not only at the time of the league above-mentioned, but before, and likewise since, when any opportunity hath offered it self particularly, during the sitting of this present Parliament, the Kingdome of England hath been very forward and ready to lay to heart the dangers of the Kingdome of Scotland as their own, and to decline no means within the reach of their power for the redresse or prevention of the same.

WILLIAM BOND, Secr. Com.

August 12, 1643.

Sess. XIII. August 16, 1643.

*Recommendation to Presbyteries and Universities anent Students that have the Irish language.*

THE Assembly considering the lamentable condition of the people in the Highlands, where there are many that gets not the benefite of the Word, in respect there are very few Preachers that can speak the Irish language. Do for remeid thereof think good, that young Students who have the Irish tongue, be trained up at Colledges in Letters, especially in the studies of Divinitie, And to this effect reecomend to Presbyteries and Universities to preferre any hopefull Students that have the language aforesaid, to Bursaries, that they by their studies in proeesse of time attaining to knowledge, and being enabled for the Ministerie, may be sent forth for preaching the Gospel in these Highland parts, as occasions shall require.

Sess. XIV. August 17, 1643.

*The Letter from the Assembly of Divines in the Kingdome of England, To the right reverend the Generall Assembly of the Church of Scotland.*

Right reverend and dearly beloved in  
our Lord Jesus Christ,

WE the Assembly of Divines and others, called and now sitting by authority of both Houses of Parliament, to be consulted by them in matters of Religion, have received from the honourable House of Commons, a speciall order (dated the 3 of this instant August) recommending it to us to write a Letter to the Generall Assembly of the Church of Scotland, taking notice of the pious and good expeditions to this Church and State, certified in the late Answer of the Commissioners of the Generall Assembly of the Kirk of Scotland, from their meeting at Edinburgh the 17 of July, 1643. And further to desire them to possesse the people of that Kingdome with our condition, and to encourage them to our assistance in this cause of Religion. And having with that order received and read the said Answer directed to the honourable Houses of the Parliament of England, we cannot sufficiently expresse the great content and comfort, unto which it hath raised us in the midst of the sad and calamitous condition under which we lie.

It is no small refreshing to our mourning spirits to finde, that yet our God hath not left us wholly comfortlesse, nor cast us so far out of his sight, as having made us sick with smiting, that should be verified of us, *Lover and friend has thou put far from us*, and that no man should turn aside to ask how we do: but that we finde so many of the Churehes of Christ, and above them all, our dearest Brethren of Scotland, so far to take to heart our extremities, as to sit in the dust with us, and so to look upon our adversities, as being themselves also in the body.

And as we cannot render thanks sufficient unto our God for remembring such mercie in the midst of so much wrath; so we embrace with all cheerfulness this opportunitie of thankfull acknowledgement of the great debt which your love doth continually lay upon, not us alone, but upon this whole Kingdome, in the free and full expressions of your eare, piety and zeal, and of like affection of that whole Nation, to assist and concur with the Parliament here, by all good and lawfull means, for settling of Religion in godly unity and uniformitie throughout all his Majesties Dominions against all the designs, power and malice of bloudie Papists, and the Prelaticall Faction, with all their malignant adherents, the common enemies of Reformation, truth and peace.

We are likewise much ingadged to the great vigilancie and travels of the honourable Convention of the Estates of Scotland, in contributing their brotherly advice, and for their readinesse to give assistance for recovering and settling the peace of this Kingdome, against the deviees, power and practices of the enemies of Religion, and the publick Good, whereof some hints are given in that Answer, and of which we doubt not but the honourable Houses of Parliament will be so sensible as to give such a return as becomes them; for they, better knowing then we do, the depth of the evils under which this Nation now groaneth, and the further dangers imminent, will be more able to value and improve the great affection and wisdom of their Brethren, in points of so high and generall concernement,



for the safetie and glory of the Kings Majestie, and of all his Kingdomes, and are more fit to take notice of advices of that kinde, in reference to the civil State, which therefore we wholly leave with them.

But as for the many prudent, pious, and seasonable admonitions which concerne our Assembly, the good Lord reward (for we cannot) seven fold into your bosomes all the good, which you have laboured to procure unto the House of our GOD, and blessed be his name who hath put such a thing as this into the hearts of our Parliament, to cleanse the House of the Lord of all the uncleannesse, that is in it, by impure Doctrine, Worship, or Discipline.

Nor can we in the depth of all our sufferings and sorrows, withhold our hearts from rejoycing in the wonderful goodnes of God toward this Kingdome, in that he hath let us see the gracious fruit of your effectuall prayers and teares, as well as of our own endeavours this way: In bringing together this Assembly, although in a very troublous time, whereby we may have better opportunity more fully to poure out our soules jointly and togetherto our God, for healing of this now miserable Church and Nation: To consider thoroughly, for what more especially the Land mourneth, and how we may be most usefull to our great GOD and Master Jesus Christ; in contributing somewhat to the vindicating of his precious truth, many wayes corrupted through the craft of men that have lyen in wait to deceive: In the seeking out of a right way of worshipping our GOD according to his own heart: In promoting the power of Godlinesse, in the hearts and lives of all his people, and in laying forth such a Discipline as may be most agreeable to Gods holy Word, and most apt to procure and preserve the peace of this Church at home, and nearer agreement with the Church of Scotland (highly honoured by us) and other the best reformed Churches abroad, That so to the utmost of our power, we may exalt him that is the only Lord over the Church, his own House, in all his Offices, and present this Church as a chaste virgin unto Christ.

It is a timely and savourie prayer which you have put up at the throne of Grace, touching the due managing of the proceedings in this Assembly, and that with straight intentions we may all seek the truth in everything, which by the blessing of God upon our labours, must needs produce all those blessings which your wortheie Commissioners mention. And now, for your comfort as well as our own encouragement, we desire you to take notice of the gracious answer of the God that heareth prayer, unto your fervent cryes. For beside our own particular addresses and secret vows to our God to be faithfull (with disdain of all baits of avarice and ambition) it hath pleased the Divine Providence so to direct both the honourable Houses of Parliament, to take care of preventing all obliquitie in our proceedings, and to stop the mouthes of all that watch for their and our haltings, and are apt maliciously to traduce both, (as if we were so restrained by them, in our votes and resolutions, as to be bound up to the sense of others, and to carry on private designes in a servile way) that the Houses have tendered to us, and we have all most readily taken a solemne and serious Protestation in the presence of Almighty God, to maintain nothing in this Assembly touching Doctrine, but what we are perswaded in our consciences to be the truth; nor in matters of Discipline, but what we conceive to conduce most to the glory of God, and the good and peace of his Church; which doth not only secure the Members against fettering of their judgements or votes, but engage them to the use of all freedome, becoming the integrity of Conscience, the weight of the Cause,

the gravitie and honour of such an Assembly. It is likewise a great consolation, that our GOD hath put it into your hearts to designe some godly and learned brethren to put in their sickles with us into this Harvest, which is so great, and requires so many Labourers; for which, as we heartily return thanks, so we earnestly pray the Lord to open a way to their timely coming hither, and do assure them of all testimonies of respect, love, and the right hand of fellowship, who shall under-take a journey so tedious, and now so perillous, to joine with us in the Work, when it shall please the honourable Houses of Parliament to iuvite them thereunto.

It remaines that we should now spread before you our calamities, dangers and fears of further evils, not only drawing towards us, but even threatening you also; and crave your compassionate aids in all wayes becoming the servants of Jesus Christ. But your Commissioners have so fully declared your certain knowledge and deep sense of them, that they have left us no rooom for enlarging our selves in this particular, to Brethren so full of bowels and zeal. And they have sufficiently intimated unto the honourable Houses, that you are well aware how often the common enemies of both Kingdomes have consulted together with one consent to cut off both the one and the other from being a Nation, and that the tabernacles of Edom, and the Ishmaelites of Moab, and the Hagarens, Geball, Ammon, and Amalek, the cursed Papists, and their implacable and bloody Abettors here, do still retain the same malice, and carry on the same designe against Religion, and perfect Reformation even in your Kingdome, happily rescued from their former tyrannies, as well as in this of scorched England, now in the furnace: Only they have varied the Scene, pouring out all their fury upon us at the present: That so, having once trodden us under as mire in the streets, they may afterward more easily, (which God avert) set their proud and impure feet upon your necks also. Wherefore with the good leave and favour of the honourable Houses of Parliament, we shall now spare the further exciting of you to that which we doubt not of your forwardnesse by all lawfull and meet means, to promote with all your might; namely, the possessing the good people of that Kingdome, (of whose willing minde and readinesse you have already given ample testimony) touching our condition, and to encourage them to our assistance in this Cause of Religion.

And now remembering without ceasing your work of faith, and labour of love, and patience of hope in our Lord Jesus Christ; with all due acknowledgements of the precious effects of your prayers; We most humbly and earnestly desire, that the same breathings of the spirit in you may still continue, and (if possible) more frequently and fervently ascend to your God, and our God, not only for removall of outward pressures, and the visitation of the sword, that hath already learned to eat much of our flesh, but also for the speciall assistance and protection of the Father of lights, in this great Work unto which we are now called, and wherein we already finde many and potent adversaries: that seeing the plummet is now in the hands of Zerubabels, all mountaines may become plains, and they may bring forth the capstone of the Lords House with shoutings, crying, Grace, grace unto it: and that how weak and contemptible builders soever we be, the Lord would enable us to build with them, that none may have cause to despise the day of our small beginnings, nor to stop our progresse in the work which he hath given us to do. And as for us



who cannot but take notice of the extraordinary employments unto which you are called in your great Assembly, now also sitting: God forbid that we should sin against the Lord, in ceasing to pray for you, that the Lord may enable you to be wise master-builders, preserve your peace alwayes by all means, and make you stedfast, unmoveable, alwayes abounding in the work of the Lord, to the praise of the glory of his grace, and to the further benefit and comfort of the whole Church of God, but more especially of this our afflicted Ark, now wafted into the midst of a sea of miseries, and tossed with tempests, untill our wise and gracious God, by the furtherance of your prayers and brotherly endeavours, shall cause it to rest upon the mountains of Ararat, which may take away our fears, as well as put an end to our present sufferings, and give you to rejoyce with us, that now mourn for us.

Westminster, Aug. 4, 1643.

Subscribed by your most loving brethren, highly prying the graces of God in you, and that are your servants for Jesus sake, in the name of the whole Assembly.

WILLIAM TUISSE, <i>Prolocutor</i>	} of the Assembly.
JOHN WHITE, <i>Assessor</i>	
CORNELIUS BURGESS, <i>Assessor</i>	
HENRY ROBOROUGH, } <i>Scribes</i>	
ADONIRAM BYFIELD, }	

*The Result of the Debates and Consultations of the Committees of the Convention of Estates and Generall Assembly, appointed to meet with the Commissioners of the Parliament of England.*

August 17, 1643.

THE Committees of the Convention of Estates of Scotland, and of the Generall Assembly, being appointed to meet with the Commissioners of the two Houses of the Parliament of England, upon the Papers delivered in by the said Commissioners, unto the Convention of Estates, and unto the Generall Assembly, upon the 12 and 15 of this instant 1643. Concerning the desires of both Houses, for a near and strict union to be entered into by the two Kingdomes. And it being declared at the said meeting, with what sensible affections the Generall Assembly and Convention, did receive the desires above-mentioned: And how beneficiall it would be for the more firme settlement of the said union, that a Covenant should be entred into by both Nations: And this forme thereof being by all the foresaid persons taken into most serious debate and consideration, and agreed unto: It was thereupon resolved by them, that it should be presented to the Generall Assembly, to the Convention of Estates of Scotland, and to the two Houses of the Parliament of England, by their respective Committees and Commissioners, that it might with all speed receive their respective resolutions.

Subscribed, JA. PRIMEROSE.  
A. KER.  
WILLIAM BOND, Sec. Com.

The League and Covenant above-mentioned, being sent with the Commissioners of this Assembly, to the Parliament of England, and Assembly of Divines in that Kingdome, to be received and approven there, is to be printed at the return thereof.\*

\* Vide Documents, p. 362.

*Approbation of the League and Covenant above-mentioned.*

THE Assembly having recommended unto a Committee, appointed by them to joyn with the Committee of the Honourable Convention of Estates, and the Commissioners of the Honourable Houses of the Parliament of England, for bringing the Kingdomes to a more near conjunction and Union, received from the aforesaid Committees, the Covenant above-mentioned, as the result of their consultations: And having taken the same, as a matter of so publick concernment and of so deep importance doth require, unto their gravest consideration, Did with all their hearts, and with the beginnings of the feelings of that joy which they did finde in so great measure upon the renovation of the Nationall Covenant of this Kirk and Kingdome, All with one voice approve and embrace the same, as the most powerfull means, by the blessing of GOD, for settling and preserving the true Protestant Religion, with perfect Peace in his Majesties Dominions, and propagating the same to other Nations, and for establishing his Majesties throne to all ages and generations. And therefore with their best affections recommend the same to the Honourable Convention of Estates, that being examined and approved by them, it may be sent with all diligence to the Kingdome of England: that being received and approven there, the same may be with publick humiliation, and all Religious and answerable solemnities, sworn and subscribed by all true Professours of the reformed Religion, and all his Majesties good Subjects in both Kingdomes.

Sess. Ult. August 19, 1643.

*The Assemblies humble desires to his Majestie anent the Lists for Presentations: With a Recommendation to Presbyteries.*

THE Assembly considering the difficultie of obtaining six able and well qualified Persons to be put into a List to his Majestie, for every vaiking Kirk at his Majesties Presentation: Therefore do most earnestly recommend to his Majesties Commissioner, to represent their humble desires to his Majestie, that he would be pleased to accept of a List of three: As also conform to the desire of the last Assembly at S. Andrews, that his Majestie would be pleased to accept of any one qualified man, who shall be able to speak the Irish Language for Kirks vaiking in the Highlands: Which the Commissioners Grace promised to do with the first convenience.

And with all his Grace representing to the Assembly, that he conceived his Majestie had already done more, and yet would do more for satisfaction to the desires of this Kirk, anent Patronages, nor any other Patron: And therefore that it were convenient that all other Patrons were earnestly desired to follow his Majesties example; And the Assembly thinking it very necessary that some Generall course were set down for providing and planting of vaiking Kirks, whereby all occasions of contests and differences amongst Patrons, Presbyteries, and Paroches may be removed: Therefore the Assembly recommend to every Presbyterie, to consult and advise upon the best wayes and means for effectuating hereof, And to report the results of their consultations hereintill to the next Assembly.



*Overtures anent Witch-craft, and Charming, &c.*

THE abundance and increase of the sin of Witchcraft, in all the sorts and degrees of it in this time of Reformation, is to be taken to heart by this reverend Assembly, who would to that end consider,

I. Of the occasions thereof, which are found to be these especially, extremity of grief, malice, passion, and desire of revenge, pinching povertie, solicitation of other Witches and Charmers; for in such cases the devil assails them, offers aide, and much prevails.

II. Of the reasons and causes of Satans prevailing, which are grosse ignorance, great infidelitie, want of the love of the truth (which GOD hath made so long and clearly to shine in our Land) and profanenesse of life.

III. Of the means and wayes to bring them to a confession and censure, which we conceive to be, That a standing Commission for a certain time be had from the Lords of Seeret Councel, or Justice Geuerall, to some understanding Gentlemen and Magistrates within the bounds of Presbyteries that shall crave it, giving them power to apprehend, try, and execute justice against such persons as are guilty of Witch-craft within these Presbyteries; For many Paroches want the concurrence of eivill Magistrates.

IV. Of the grounds of apprehending them, Which may be a reigning brute of Witch-craft, backed with dilations of confessing Witches, being confronted with them; for it is found that the dilations of two or three confessing Witches, hath ordinarily proved true: also depositions of honest persons, anent malifices committed, or cures used by them, may be a ground of apprehending them.

V. Being apprehended, there would be honest and disereet persons appointed to watch them; for being left alone, they are in danger to be suborned and hardened by others, or of destroying themselves.

VI. Ministers would be carefull at all times, especially Morning and Evening, to deal with them by Prayer and Conference, whiles they are in prison or restraint.

VII. The means to prevent the growth of this wickednesse, are,

That Ministers be every way carefull and painful in warning people of the danger thereof, and of Satans temptations, both privately and publickly, and to instruct them in the knowledge of the Gospel, and grounds of Religion, by plain catechising, to urge lively faith in Christ, which faith Witches bestow otherwise; Also to presse holinesse of life, and fervent prayers in private, and in Families, and in publick, that they be not led into temptation; And to use the censures of the Kirk against profane persons, such as Cursers, Whoores, Drunkards, and such like, for over such like he gets great advantage. Finally, it is requisite for preventing of this hainous sin, that people seek knowledge, studie to beleeve, walk in holiesse, and continue constant and instant in prayer.

And because Charming is a sort and degree of Witchcraft, and too ordinary in the Land; it would be enjoined to all Ministers to take particnlar notice of them, to seareh them out, and such as consult with them, and that the Elders carefully coneurre in such seareh; And this Asseubly would think on an uniforme way of censuring these Charmers, and such as employ them, or consult with them, *primo quoque tempore*.

The Assembly approves the Articles and Overtures aforesaid, And ordaines every Presbyterie to take to their further consideration by what other wayes or means, the sins aforesaid of Witchcraft, Charming, and consulting with Witches, or Charmers, and such like wickednes, may be tried, restrained, and condignely censured and punished ecclesiastically and civilly: And to report their judgements herein to the next Assembly.

*Commission for Ministers to go to Ireland.*

THE Generall Assembly having received a Petition subscribed by a very great number in the North of Ireland, intimating their deplorable condition through want of the Ministry of the Gospel, occasioned by the tyrannie of the Prelats, and the sword of the Rebels, and desiring some Ministers, especially such as had been chased from them by the persecution of the Prelats, and some others to be added, either to be sent presently over to reside among them, or declared transportable, that upon invitation from them, they might go and settle there: Together with a Letter from the Vieount of Airds to that same effect. All which the Assembly hath taken to their serions consideration, being most heartily willing to sympathize with every Member of Christ his body, although never so remote, much more with that plantation there, which for the most part was a branch of the Lord his Vine, planted in this Laud. In which solietude, as they would be loath to usurpe without their own bounds, or stretch themselves beyond their own measure, so they dare not be wanting to the enlargement of Christs Kingdome, where so loud a cry of so extreme necessity, could not but stir up the bowels of Christian compassion. And although they conceive, that the present unsettled condition both of Church and State in that Land, will not suffer them (as yet) to loose any, to make any constant abode there; yet they have resolved to send over some for the present exigent, till the next Generall Assembly, by courses, to stay three moneth allanerly. And therefore do hereby authorize and give Commission to the persons following, to wit, Master William Cockburne, Minister at Kirkmichell, and Master Matthew Mackaill, Minister at Carmanoch, for the first three moneths, beginning upon the 8 of September next. Master George Hutchison, Minister at Calmonell, and Master Hugh Henderson, Minister at Dalry, for the next three moneths, beginning the 8 of December. Master William Adair, Minister at Air, and Master John Weir, Minister at Dalscrfe, for the third three moneths, beginning the 8 of March, 1644. And Master James Hamilton, Minister at Dumfreis, and Master John Maccehellane, Minister at Kirkubright for the last three moneths, beginning the 8 of June, the said year 1644. To repair unto the North of Ireland, and there to visit, instruct, comfort, and encourage the scattered flockes of Christ: To employ themselves to their uttermost with all faithfulness and singleness of heart in planting and watering, according to the direction of Jesus Christ, and according to the Doctrine and Discipline of this Kirk in all things. And if need be (with the concurrence of such of the Ministers as are there) to try and ordain such as shall be found qualified for the Ministry; Giving charge unto the persons foresaids in the sight of God, that in Doctrine, in Worship, in Discipline, and in their daily conversation, they study to approve themselves as the Ministers of Jesus Christ; And that



they be countable to the Generall Assembly of this Kirk in all things. And in case of any of the above-mentioned Ministers be impeded by sicknes, or otherwayes necessarily detained from this service; The Assembly ordains the Commissioners residing at Edinburgh for the publick affairs of the Kirk, to nominate in their place well qualified men, who hereby are authorized to undertake the foresaid employment, as if they had been expressly nominate in the face of the Assembly. And this although possibly it shall not fully satisfie the large expectation of their Brethren in Ireland: yet the Assembly is confident they will take in good part at this time that which is judged most convenient for the present condition, even a lent mite out of their own, not very great plentie to supply the present necessity: Requiring of them no other recompence, but that they in all chearfulnesse may embrace and make use of the Message of Salvation, and promising to enlarge their indebted bountie at the next Assembly, as they shall finde the Work of the Lord there to require. In the mean while wishing that these who are sent, may come with the full blessing of the Gospel of peace, recommends them, their labours, and these to whom they are sent, to the rich blessing of the great Sheepherd of the flock.

*Act against Ministers haunting with Excommunicate Persons.*

IF any Minister haunt the company of an excommunicate person, contrair to the Lawes of this Kirk; The said Minister for the first fault shall be suspended from his Ministerie by his Presbyterie, during their pleasure: And for the second fault be deprived. And in case the Presbyteries be negligent herein, the Provinciaall Assembly shall censure the Presbyterie thus negligent.

*Act anent an order for using civill Execution against Excommunicate Persons.*

THE Assembly taking to their consideration an Article, in the Heads and Propositions sent to the Assembly held at Edinburgh, in August, 1573, by the Lord Regents Grace, and allowed by that Assembly: Whereof the tenour followes: "It is resolved that the Executions of the sentence of Excommunication against Persons excommunicate, after the space of fourtie dayes past, shall be presented to the Lord Thesaurer, or his Clerk, who thereupon shall raise Letters by deliverance of the Lords of Session, to charge the Persons Excommunicate, to satisfie the Kirk, and obtain themselves absolved under the pain of Rebellion: And in case they passe to the Horne, to cause their Escheits be taken up, and also to raise and cause execute Letters of Caption against them: And these to be done at the Kings Majesties charges:" Do ratifie and approve the said Article. And farther that the intention of the said Article may be better effectuate, doth also ordain, that every Presbyterie cause send to the Procurator, or Agent of the Kirk, the foresaid Execution, that is, an minute or note of the sentences of Excommunication within their bounds, bearing the time and cause thereof: And that under the hands of the Moderatour or Clerk of the Presbyterie, or of the Minister who pronounced the sentence; That the samine may be delivered to his Majesties Thesaurer, Advocate, or Agent. To cause Letters of Horning and Caption be raised and execute, and other diligence to be used against the Excommunicat Persons in manner foresaid: And that all other civill action and diligence may be used

against them, warranted and provided by Acts of Parliament, or secret Councell made thereanent: And that particular account be craved hereof in every Generall Assembly.

*To the Kings Most Excellent Majestie, The humble Answer of the Nationall Assembly of the Kirk of Scotland.*

ALTHOUGH the many and ample testimonies of Your Majesties Royall favour and bountie towards this Kirk and Kingdome be living and lasting Monuments to hold all Your Majesties good Subjects and us most of all, in remembrance of that duty, which we owe to Your Majestie our great Benefactour, never by any length of time to be deleted out of our minds: Yet when we remember even of conscience we owe honour and subjection unto Your Majestic as our dread Sovereigne, as well in Your Majesties absence as presence, We finde our obligation to be Religious, and thereby much increased: And therefore have we at this time in all our consultations and conclusions, of which some have been of more then ordinary weight and concernment, in answer to certain Propositions, made unto us by the Commissioners of the Houses of Parliament of Your Majesties Kingdome of England, and some Reverend Divines assisting them, fixed our eyes and thoughts upon Your Majesties honour and happinesse, with no other and with no lesse iutention, then if we had been honoured by Your Majesties Royall Person in our Assembly. And in like manner have given such Instructions to some Ministers and others, to be sent unto the Assembly of Divines now in England, as next unto the honour of God, and the good of Religion, may most serve for Your Majesties preservation, and the peace of Your Kingdomes: Concerning which, the Commissioners of the last Generall Assembly have so fully exprest their humble thoughts and desires in their Supplication and Remonstrance sent unto Your Majestic, that we need not adde any thing, and Your Majesties times and affairs forbid all repetition. We do onely in all humilitie beseech Your Majestic to judge of us and our proceedings, by the nature and necessity of our vocation, and the rules prescribed in the Word of God for our directioun, and not by uncertain rumours, and ungrounded reports of such men as have not the fear of God before their eyes. And do earnestly pray to God Almighty, in whose hands are the hearts of Kings, to incline Your Majesties heart to the counsells of truth and peace, to direct Your Government for the good of your People, the punishment of male-factours, and praise of well-doers; that this fire of unnaturall and unchristian warre being extinguished, the People of God, Your Majesties good Subjects may lead a quiet and peaceable life, in all godlinesse and honestie.

*The Answer of the Generall Assembly of the Church of Scotland, to the Declaration of the honourable Houses of the Parliament of England.*

THE Generall Assembly of the Church of Scotland, having received a Declaration from the honourable Houses of the Parliament of England, by their Committees and Commissioners now residing here; Have thought good to make knowne unto the Lords and Commons in Parliament, that all the Members of this Assembly, and others well-affected here, do with most thankfull respects, take speeciall



notice of the expressions which they have been pleased to make in the afore-named Declaration, not only concerning their approbation of the desires and endeavours of the Generall Assembly of this Kirk, for the Reformation of the Church of England, and the union of both Churches in Religion and Church-government; but also concerning the resolution of both Houses, fully to concur with them in these pious intentions. With the same thankfulness and due reverence, they acknowledge the high respects expressed towards them by both Houses, in directing unto them their Committees and Commissioners, assisted by two reverend Divines, and in desiring some of the godly and learned of this Kirk to be sent unto the Assembly sitting there.

The Assembly doth blesse the Lord, who hath not only inspired the Houses of Parliament with desires and resolutions of the Reformation of Religion, but hath advanced by severall steps and degrees that blessed Work; By which, as they shall most approve themselves to the Reformed Churches abroad, and to their Brethren of Scotland, so shall they most powerfully draw even from Heaven the blessings of prosperity and peace upon England. And as it is the earnest wish of their Brethren here, that the true state and ground of the present differences and controversies in England may be more and more cleared to be concerning Religion, and that both Houses may incessantly prosecute that good Work first and above all other matters, giving no sleep to their eyes, nor slumber to their eye-lids, until they finde out a place for the Lord, an habitation for the mighty GOD of Jacob, whose favour alone can make their mountain strong, and whose presence in his own ordinances, shall be their glory in the midst of them: So it is our confidence, that the begun Reformation is of GOD, and not of man, that it shall increase, and not decrease; and that he to whom nothing is too hard, who can make mountaines, valleyes, crooked things, straight, and rough wayes, smooth, shall lead along and make perfect this most wonderfull Work, which shall be remembred to his glory in the Church throughout all generatiours.

And lest through any defect upon the Generall Assemblies part, the Work of Reformation (which hitherto to the great grief of all the Godly hath moved so slowly) should be any more retarded or interrupted, they have according to the renewed desires of both Houses of Parliament, and their own former promises, nominated and elected Mr Alexander Henderson, Mr Robert Douglas, Mr Samuel Rutherford, Mr Robert Bailzie, Mr George Gillespie, *Ministers of Gods word*; and John Earle of Cassils, John Lord Maitland, and Sir Archibald Johnstoun of Waristoun, *ruling Elders*, all of them men much approved here; With Commission and power to them, or any three of them, whereof two shall be Ministers, to repair unto the Assembly of Divines, and others of the Church of England, now sitting at Westminster, to propound, consult, treat, and conclude with them, and with any Committees deputed by the Houses of Parliament (if it shall seeme good to the honourable Houses in their wisdom to depute any for that end) in all such things as may conduce to the utter extirpation of Popery, Prelacie, Heresie, Schisme, Superstition and Idolatrie, And for the settling of the so much desired Union of this whole Island in one forme of Church-government, one Confession of Faith, one common Catechisme, and one Directorie for the Worship of GOD, according to the Instructions which they have received, or

shall receive from the Commissioners of the Generall Assembly appointed to meet at Edinburgh from time to time, with the Assemblies power for that end. And as the Generall Assembly doth most gladly and affectionately receive and fully trust the Committees and Divines sent hither, so do they hereby commend the afore-named Commissioners, not only to the like affection and trust of the Assembly there, but also to the favour and protection of both Houses of Parliament.

And for the further satisfaction and encouragement of their Brethren of England, the whole Assembly in their own name, and in name of all the particular Churches in this Kingdome, whom they represent; Do hereby declare, that from their zeal to the glory of GOD, and propagation of the Gospell, from their affection to the happinesse of their native King, and of the Kingdome of England, and from the sense of their own interest in the common dangers of Religion, Peace, and Libertie, They are most willing and ready to be united and associated with their Brethren in a nearer League and solemne Covenant for the maintenance of the truly reformed Protestant Religion, against Popery and Prelacie, and against all Popish and Prelaticall corruptions; in doctrine, discipline, worship, or Church-government, and for the settling and holding fast of unity and uniformity betwixt the Kirks of this Island, and with the best reformed Churches beyond sea. Which Union and Covenant, shall with Gods assistance be seconded by their co-operating with their Brethren in the use of the best and most effectually means that may serve for so good ends; For the more speedy effectuating whereof, to the comfort and enlargement of their distressed Brethren (whose hope deferred might make their hearts to faint) the whole Assembly with great unanimity of judgement, and expressions of much affection, have approved (for their part) such a draught and forme of a mutuall League and Covenant betwixt the Kingdomes, as was the result of the joint debates and consultations of the Commissioners from both Houses, assisted by the two reverend Divines, and of the Committees deputed from the Convention of the Estates of this Kingdome, and from the Generall Assembly: Expecting and wishing the like approbation thereof by the right honourable the Lords and Commons in Parliament, and by the reverend Assembly there, That thereafter it may be solemnely sworne and subscribed in both Kingdomes, as the surest and straitest obligation to make both stand and fall together in that cause of Religion and Libertie.

As the Estates of this Kingdome have often professed in their former Declarations, the integritie of their Intentions against the common enemies of Religion and Libertie in both Kingdomes, and their great affection to their Brethren of England, by reason of so many and so near relations; So doubtlesse now in this time of need they will not fail to give reall proof of what before they professed. *A friend loveth at all times, and a brother is born for adversitie.* Neither shall the Assembly, or their Commissioners be wanting in exhorting all others to their duty, or in concurring so far as belongeth to their place and vocation, with the Estates now convened, in any lawfull and possible course which may most conduce to the good of Religion and Reformation, the honour and happinesse of the Kings Majestie, the deliverance of their Brethren of England from their present calamitous condition, and to the perpetuating of a firme and happy peace betwixt the Kingdomes.



*The Assemblies Answer to the right reverend the Assembly of Divines in the Church of England.*

RIGHT REVEREND AND DEARLY BELOVED,

**A**S the sufferings of Christ abound in you, So our hearty desire to God is, that your consolations may much more abound by Christ. The perusing of your Letter, produced in every one of us such a mixture of affections, as were at the laying of the foundation of the second Temple, where there was heard both shouting for joy, and weeping aloud; We rejoiced that Christ our Lord had at last in that Land created a new thing, in calling together, not as of before a Prelaticall Convocation to be task-masters over the people of the Lord, but an Assembly of godly Divines, minding the things of the Lord, whose hearts are set to purge the defiled House of GOD in that Land: yet this our joy was not a little allayed by the consideration of the sad and deplorable condition of that Kingdome, where the high provocations of so many years, the hellish plots of so many enemies in a nick of time, have brought an inundation of over-flowing calamities: We know you are patiently bearing the indignation of the Lord, because you have sinned against him, till he thoroughly plead your cause, and disquiet the inhabitants of Babylon, who now laugh among themselves, while you are fed with the bread of tears, and get tears to drink in great measure, being on the mountains like the doves of the valleyes, all of you mourning every one for his iniquitie.

It is now more nor evident to all the Kirks of Christ, with what implacable fury and hellish rage, the bloud-thirstie Papists, as Babylon without, and the Prelaticall Faction, the children of Edom within, having adjoynd to themselves many malignant adherents, of time-serving Atheists, haters of holinesse, rejecters of the yoke of Christ, (to whom the morning light of Reformation is as the shadow of death) have begun to swallow up the inheritance of the Lord, and are not easily satisfied in making deep and long furrowes on your backs. We cannot say that the loudnesse of your cry surpasseth the heavinesse of your stroake; but though the Lord hath delivered the men, every one into his neighbours hand, and into the hand of his King, and they have smitten the Land, yet the rod of the wicked shall not rest upon the lot of the righteous: This eloud shall speedily passe away, and a fair sun-shine shall appear.

As for us, though your extreame calamitie did not threaten the ruine of our Religion, Peace, and Liberties, as it doth most evidently; we would hate our selves, if we did not finde our hearts within us melting with compassion over you: You are engraven on the tables of our hearts to live and die with you: we could desire that our heads were waters, and our eyes a fountain of tears, that we might weep day and night for the slain of the daughter of the Lords people; So calamitous a condition of any of the Kirks of Christ, could not but be very grievous unto us; How much more shall not we stoup and fall down in the dust to embrace our dearest Brethren of England, to whom we are tied in so near and tender relations. When we were but ereeping out of the deep darknesse and bondage of Popery, and were almost crushed with the fury of Forreigne Invaders, joined with intestine enemies, pretending the name and warrand of authority as now your oppressours do; Then did the Lord by your Fathers send us seasonable assistance against that intended and begun bondage both of soul and body: The repayment of which debt, the Divine

Providence seemeth now to require at our hands. And whereas of late through our security we had fallen into a wofull relapse, and were compassed about with dreadfull dangers on all hands, while we aymed at the recovery of our former puritie and libertie: Then we wanted not the large supply of your fervent Prayers, and other brotherly assistance of that Nation, while those who are now your malignaut enemies, would have swallowed us up.

These strait bonds of your ancient and late love, do so possesse our hearts, that when the motious of the Commissioners of the honourable Houses of Parliament, and your Letters did challenge our advice and aid for defence of Religion, and advancement of Reformation; our smoaking desires for a more strict Union and Uniformitie in Religion betwixt both the Nations, did break forth into a vehement flame, in such sort, as when the draught of a League and Covenant betwixt both Kingdomes for defence of Religion, &c. was read in open audience. It was so unanimously and heartily embraced, with such a torrent of most affectionate expressions, as none but eye or ear-witnesses can conceive; whereof the two reverend Divines sent from you to us, being then present, no doubt will give you an account. Neither was it so onely with us, but also the honourable Convention of Estates here, with the like harmony of affectionate expressions, did eutertain the same; So that we hope to be reall and constant in prosecuting the contents of this Covenant. When we in our straits fled to the Lord, and entred in Covenant with him, he owned us and our Cause, rebuked and dissipated our enemies, and hitherto hath helped us, and blessed our enterprises with success from heaven, notwithstanding our great weaknesse and unworthinesse. We trust in the Lord, that as once it was prophesied of Israel and Judah; So shall Scotland and England become one stick in the hand of the Lord, they shall ask the way to Sion, with their faces thitherward, saying, Come, let us joyne our selves to the Lord in a perpetuall Covenant, that shall not be forgotten; And so shall come to passe, that the Lords Jerusalem in this Island, shall be a cup of trembling, and a burthensome stone to all their enemies round about. Though now it be the time of Jacobs trouble, the Lord will deliver him out of it. Reverend and dear Brethren, we conceive your case, and of all the Faithfull in that Land, to be no other then of a woman crying, travelling in birth, and pained till she be delivered. The great red Dragon, (under whose standard the sons of Belial are fighting) is your Arch-enemy, This cannot but be a time of fear and sorrow; But when the male childe shall be brought forth, the pain shall cease, and the sorrow shall be forgotten. We are very confident in the Lord, that you will be faithful to Jesus Christ, in the work committed to you by him in all his ordiuances, and taking neither foundation, corner-stone, nor any part of the rubbish of Babel to build the City that is called, *The Lord is there*: But measuring all with the golden reed of the Sanctuary, you may more closely be united to the best Reformed Kirks, in Doctrine, Worship, and Government, that you may grow up in him in all things which is the head, even Christ.

And now Reverend and dear Brethren, though we know that you abound in all gifts and graces, the Spirit of Jesus Christ being plentifully powred out upon you, yet according to your desire and the motion made by the Commissioners of the Honourable Houses of Parliament, to testifie our hearty sympathie with you in the work of the Lord, We have nominate and elected some Godly and learned of this Church to repair to your Assembly. We



doubt nothing of your hearty embracing them in the Lord, and their diligent concurrence with you in advancing that great work.

Not ouely the common danger we are under, but the conscience of our duty to his suffering people, layeth bonds on us frequently to present you, and that blessed Work of Reformation, in your hands, to the throne of Grace, that the GOD of all Grace, who will call you into his eternall glory by Christ Jesus, after that you have suffered a while may make you perfect, stablish, strengthen, settle you.

*Subscribed in name of the Assembly of the Church of Scotland, by the Clerk of the Assembly.*

Edinburgh, August 19, 1643.

*The Assemblies Answer to the Reverend their beloved Brethren, Ministers in the Church of England.*

REVEREND AND BELOVED,

**W**EE acknowledge with thankfulness to GOD, that this is one of the good blessings bestowed upon our Kirk of late, and a pleasant fruit of our free Assemblies, That a way is opened for keeping communion with our sister Kirks abroad, and correspondence with you our dear Brethren, in whose joy and sorrow we have so near interest, and whose cause and condition we desire to lay to heart as our own.

All your former Letters were most acceptable, and full of refreshment unto us, being taken as the earnest of a more full and constant fellowship, longed after and hoped for: And this your last, although full of sadness and sorrow, yet accounted of us all most worthy of our tenderest affection and best respects, both for your cause who sent it, and for these worthy witnesses which did attest it: Wherein as you have given unto us no small evidence, not only of your love, but also of trust and friendly respect, by choosing to poure out your grieved souls in our bosome; So we shall wish, and Godwilling eudeavour, that you may really finde some measure of brotherly compassion in our receiving thereof. For these your sad expressions of deep sorrow, being as you have given us to conceive but a part of your complaint, and a lamentation lesse then the causes doth require, cannot but melt every heart, wherein there is any the least warmnesse of the love of Christ and his Saints: And what Childe of the Bridegrooms chamber, can hear the voice of so many friends of the Bridegroom, lamenting for the evils which have befallen Christs Bride in England, in the very night before her expected espousalls, and not sit down and mourn with them, except his heart be fallen asleep and frozen within him? This pitifull condition of our sister Church in England hes matter enough we confesse to move, yea, to rend our bowels.

If we should weigh this your heavie grief in the scales of common reason, we behoved either to stand aloof from your plague as men astouished, or sink down in heaviness and be swallowed up of sorrow: but when we ponder your sad condition in the Ballance of the Sanctuary, we finde that nothing hath as yet befallen unto you, save that which hath been the exercise of the Saints in former times, who have been made to sit down for a while in the shadow of death before the day of their deliverance. We finde nothing but that which may be a fit Preparation for a comfortable out-gate from all your troubles. What if it was necessary in the wise dispensation of Almighty GOD, that a People in great estimation for wisdom and power, such as England, should be thus farre humbled, as you declare, to the end that your deliverance may be

seen hereafter to be of the Lord, and not of your selves? What if the Lord would not draw back his hand from the Wine-press wherein you now lye, till he should draw forth from you these pitifull expressions of your low estate, and so provide himself witnesses against the day to come, that he may have the greater and purer glory in your salvation, and your gloriation may be in the Lord alone? Dear Brethren, comfort your selves in the Lord; this sowing in tears, doth promise a reaping in joy, and who knoweth how soon he will give to you who are mourners in Zion, beauty for ashes, the oyle of joy for mourning, the garment of praise for the spirit of heaviness; That you may be called the trees of righteousness, the planting of the Lord, that he may be glorified.

Though weeping be in the evening of this begun Reformation and purging of the Lords House among you, yet in the morning when the discovered filthinesse and sweepings of the Temple shall be orderly cast out, joy shall come with thanksgiving and praise. Though a fire be kindled in the Land, yet it is not to consume any of the mettall, for the Lord is sitting down as a Refuer amongst you, and especially to purifie the sons of Levi, that he may have a more pure oblation of spirituall worship and service in all his holy ordinances throughout all the Land, which is no token of wrath, but of loving-kindnesse towards you. No wonder that Satan doth thus rage, as you relate, for-seeing his casting out: No wonder he stirre up all the children of disobedience, and kindle their naturall malice against the children of God with the inspiration of hellish fury: No wonder the spirit of Antichrist be mad, when the morsell half swallowed down, is like to be pulled out of his throat, the fat morsell of the rich Revenues of England: No wonder he be cruell against you the servants of Christ, who are consuming him by the breath of the Lords mouth.

You do well to expect no mercy, if Papists and Prelats prevail over you, neither desire we to deceive our selves with hopes to be free from what their power and malice can do against us; for they will not do to us if they get the upper-hand, as we have done, and must do, if God bring them low again under us, as they were before; for we and they are led by the contrary spirits of Christ and Antichrist: We have laboured, and must labour for their conversion, but they (except in so far as God shall bridle them) will not rest without our destruction; for their fury against our persons is much more fierie then our zeal is fervent against their abominations. Let them follow the spirit of lying and murdering, wee must take us to our refuge, and joyne our selves with all that are sensible of the danger of the Reformed Religion in prayer and supplication, The Lord of hosts is with us, the God of Jacob is our refuge.

Now for advice, what can we say to you who are upon your watch-tower, wherein is the spirit of wisdom and counsell, who lye thus as humble Disciples under the Lords foot, who did never forsake them that sought him. Go on in the name of our Lord Jesus Christ, against all opposition, without fear of whatsoever dangers, to purge the House of the Lord, to repair the breaches thereof, to set up all his Ordinances in their full beautie and perfection, to the uttermost of your power, according to the pattern of the Word of GOD, and zeal of the best reformed Kirks; And let these two Kingdomes be kuit together as one man in maintaining and promoting the truth of the Gospel; Let us enter in a perpetuall Covenant for our selves and our posterity, to endeavour that all things may be done in the



Honse of GOD according to his own will, and let the Lord do with us what seemeth good in his eyes. Only wait upon the Lord, be of good courage, and he shall strengthen your heart. Let your hands be ever at your Masters Work, and hold your faces resolutely to his Cause. Watch ye, stand fast in the faith, quite your selves like men, be strong, for ye shall see the salvation of the Lord, and your labour shall not be in vain.

*Subscribed in name of the Generall Assembly of the Church of Scotland, by the Clerk of the Assembly.*

*Commission of the Generall Assembly for these that repair to the Kingdome of England.*

THE Generall Assembly of the Church of Scotland, finding it necessary to send some godly and learned of this Kirk to the Kingdome of England, to the effect under-written. Therefore gives full Power and Commission to Master Alexander Henderson, Master Robert Douglas, Master Samuel Rutherford, Master Robert Bailzie, and Master George Gillespie, *Ministers*, John Earle of Cassils, John Lord Maitland, and Sir Archbald Johnstoun of Waristoun *Elders*, or any three of them, whereof two shall be *Ministers*, to repair to the Kingdome of England, and there to deliver the Declaration sent unto the Parliament of England, and the Letter sent unto the Assembly of Divines now sitting in that Kingdome. And to propone, consult, treat and conclude with that Assembly or any Commissioners deputed by them, or any Committees or Commissioners deputed by the Houses of Parliament, in all matters which may further the Union of this Island in one forme of Kirk-government, one confession of Faith, one Catechisme, and one Directorie for the Worship of GOD, according to the Instructions which they have received from the Assembly, or shall receive from time to time hereafter from the Commissioners of the Assembly deputed for that effect. With power also to them to convey to his Majestie, the humble Answer sent from this Assembly to his Majesties Letter, by such occasion as they shall think convenient; And suchlike to deliver the Assemblies Answer to the Letter sent from some well-affected Brethren of the Ministry there. And generally authorizes them to do all things which may further the so much desired Union, and nearest conjunction of the two Churches of Scotland and England, conform to their Instructions aforesaid.

*Reference to the Commission, anent the Persons designed to repair to the Kingdome of England.*

THE Assembly having this day approven the nomination made by the Commissioners of the late Assembly, of Persons to repair to the Synod of Divines in England: And having of new elected and nominated all the same persons, except Master Eleazar Borthwick, who is now with GOD. Therefore gives power to the Commissioners to be appointed by this Assembly for the publick affairs of this Kirk, to nominate and appoint any other whom they shall think meet in his place. And suchlike the Assembly refers to the said Commission, to consider whether it be convenient to send now at this present time to the Kingdome of England, all the persons appointed to go thither, and to designe the Persons whom they think meet to go at this present occasion, to determine the time of their dispatch, and to give unto them their Instructions. And further in case of

sickness or death of any of the persons appointed for that employment, or in the case of any other necessary impediment of their undertaking the same; Gives power to the said Commission, to nominate others in their place if the Commission shall finde it convenient.

*Commission for the Publick affairs of this Kirk.*

THE Generall Assembly, considering the laudable custome of this Kirk, in appointing Commissions betwixt Assemblies for the publick affairs of the Kirk, and the commendable practice of the late Assembly at Saint Andrews, in appointing their Commission for prosecuting that blessed Work, for uniting the Kirks of this Island in Religion and Kirk-government, by all lawfull and Ecclesiastick wayes, for continuance of our own peace at home, and of the common peace betwixt the two Nations, and for other good ends, as at length is exprest in that Commission: And finding that the painfull endeavours and proceedings of that Commission, unanimously approven in this Assembly, though they have much advanced that glorious Work of Unity in Religion and Government; yet has not brought the same to full perfection and a final accomplishment: And the Assembly being now much animate and encouraged to prosecute that Work by the Parliament of England their Bills past against Episcopacie, and sundry other corruptions, and the good hopes of a solemn Covenant betwixt the Nations, And conceiving that in thir times of danger, there may be some occasions for convening the Assembly, before the time indieted for their next meeting. Therefore the Assembly finding it necessary to appoint a new Commission, By these presents, nominates and appoints Mr Andrew Ramsay, Mr Alexander Henderson, Mr Robert Douglas, Mr William Colvill, Mr William Bennet, Mr George Gillespie, Mr John Adamson, Mr John Sharpe, Mr James Sharpe, Mr William Dalgleish, Mr David Calderwood, Mr Andrew Blackhall, Mr James Fleeming, Mr Robert Ker, Mr John Macghe, Mr Oliver Colt, Mr Hugh Campbell, Mr Adam Penman, Mr Richard Dickson, Mr Andrew Stevinson, Mr John Lauder, Mr Robert Blair, Mr Samuel Rutherford, Mr Arthur Morton, Mr Robert Traill, Mr Frederiek Carmichael, Mr Mungo Law, Mr John Smith, Mr Patrick Gillespie, Mr John Duncan, Mr John Hume, Mr Robert Knox, Mr William Jameson, Mr Robert Murray, Mr Henry Guthrie, Mr James Hamilton, Mr Bernard Sanderson, Mr John Leviston, Mr James Bonar, Mr Evan Cameron, Mr David Dickson, Mr Robert Bailzie, Mr James Cunningham, Mr George Young, Mr Andrew Auchinleck, Mr David Lindsay, Mr Andrew Cant, Mr John Oiswald, Mr William Douglas, Mr Murdoe Mackenzie, Mr Coline Mackenzie, Mr John Monroe, Mr Walter Stuart, *Ministers*: Marquesse of Argyle, Earle Marshall, Earle of Sutherland, Earle of Eglintoun, Earle of Cassils, Earle of Dumfermling, Earle of Lawderdail, Earle of Lindsay, Earle of Queensberrie, Earle of Dalhousie, Lord Angus, Vicount of Dudhope, Lord Maitland, Lord Elcho, Lord Balmerinoch, Lord Cowper, Sir Patriek Hepburne of Waughtoun, Sir Archbald Johnstoun of Waristoun, Sir David Hume of Wedderburne, Sir Alexander Areskine of Dun, Sir William Cockburne of Langtoun, Ruthven of Frieland, Sir James Arnot of Fernie, Sir Walter Riddell of that Ilk, Sir Lodovick Houstoun of that Ilk, Sir William Carmichael, Fiar of that Ilk, Laird of Bonjedburgh, Laird of Libbertoun, Laird of Brodie, Sir John Smith, James Dennistoun, Master Robert Barclay,



John Rutherford, William Glendinning, John Sempill, John Kenneidie, Master Alexander Douglas; To meet at Edinburgh the 21 day of August next, and upon any other day thereafter, and in any other place they shall think good. And gives and grants unto them, or any fifteen of them, there being twelve Ministers present, full power and Commission, to consider and performe what they finde necessary by Praying and Preaching, by supplicating his Majestie and all the Judicatories of this Kingdome, by Declarations and Remonstrances to the Parliament of England, to the Synod of Divines in that Kingdome, by Informations, Directions, and Instructions to, and continuall correspondence with the Commissioners, now designed by this Assembly to go to the Synod of Divines in England, or by any other lawfull Ecclesiastick wayes, for furtherance of this great Work, in the Union of this Island in Religion and Kirk-government, and for continuance of our own Peace at home, and of the common Peace betwixt the Nations, and keeping of good correspondence betwixt the Kirks of this Island. With power also to them to concurre with the Lords of Councell, Commissioners of Peace, or with the Honourable Estates assembled in Convention or Parliament, or with their Committees or Commissioners, in prosecuting this good Work at home or abroad by all Ecclesiastick wayes. And suchlike with power to them to prevent the dangers contained in the Remonstrance, presented unto the Convention of Estates by the Commissioners of the late Assembly in June last, and to prosecute the remedies of these dangers contained in another Remonstrance, presented by the saids Commissioners to the Convention the 6 of July last, by admonitions, directions, censures, and all other Ecclesiastick wayes. And further in case their Brethren of England shall agree to the Covenant betwixt the Kingdomes, the draught and frame whereof is now so unanimously approved in this Assembly Gives also unto the Persons foresaid, or the Quorum above-written, full Power and Authoritie to command and enjoyn the samine to be subscribed and sworn by all the members of this Kirk: And that in such order and manner, and with such solemnities as they shall think convenient for so great and glorious a Work; And to send their directions to Sessions, Presbyteries and Synods, for execution of their orders thereanent. And with power to proceed against any Person whatsoever, that shall refuse to subscribe and swear the said Covenant, with all the censures of the Kirk, or to refer the tryall and censures of such delinquents to Presbyteries or Synods as they shall think convenient. And such like gives unto the persons foresaid power and libertie, to call a Generall Assembly *pro re nata*, in case they shall finde the necessity of the Kirk, and this great Work to require the same: With full power also to them to give Answers in name of the Assembly, to all Letters sent to the Assembly from the Kirks of Holland, Zealand, or any other forraigne Reformed Kirks. And further gives power to them to promote the other desires, Overtures and reommendations of this, or of any former Assemblies to the Kings Majestie, Parliament or Convention of Estates, to the Lords of Councell, Session, Exchequer, Commissioners of Parliaments, for plantations of Kirks, for the common burdens, and for conserving the Peace. And suchlike gives us full power and Commission to them to treat and decerne in any other matters referred, or to be referred to them by this Assembly, as if the samine were herein particularly insert. And generally gives unto the Persons foresaid, or the Quorum above-mentioned full power and Authoritie, to do

and performe all things which may advance, accomplish, and perfect the great Work of Unity of Religion, and Uniformity of Kirk-government in all his Majesties Dominions, and which may be necessary for good order in all the publick affairs of this Kirk, until the next Assembly, *ne quid detrimenti capiat Ecclesia*. With als ample power in all matters particularly or generally above-mentioned, as any other Commission of Generall Assemblies, hes had or been in use of before; They being alwayes countable to, and censurable by the next Generall Assembly, for their proceedings thereintill.

THE Generall Assembly appoints the meeting of the next Generall Assembly, to be at Edinburgh the last Wednesday of May, in the year 1644.

FINIS.

INDEX of the ACTS of the ASSEMBLY holden at EDINBURGH, 1643. *Not printed.*

- 1.—The Kings Majesties Commission to Sir Thomas Hope of Craighall, Knight, his Majesties Advocate.
- 2.—Election of Master Alexander Henderson, Moderatour.
- 3.—Appointment of Master John Scot, who was sent from the Presbyterie in the Scottish Army in Ireland, to be present in the Assembly every Session.
- 4.—Questions propounded by the Moderatour, to some brethren in the North, anent some Papists there, and there answer thereunto.
- 5.—Commission for visitation of the University of S. Andrews.
- 6.—Letters from Master William Spang, Minister of the Scots Kirk at Campheir, with attestations of some Dutch Kirks, anent hinging of Pensills in Kirks, &c.
- 7.—Act for summar excommunication of Adam Abererombie.
- 8.—Approbation of the deposition of Master John Forbes, with an ordinance for his subscribing the Covenant.
- 9.—Questions from the Presbyterie of Hadington with the Assemblies resolution thereof, anent Sir John Seaton, and his daughter.
- 10.—Approbation of the advice of the Commissioners of the late Assembly at S. Andrews, for not printing two Acts of the last Assembly held at Aberdeen.
- 11.—Approbation of the Lord Maitland his faithful discharging the Commission given to him by the late Assembly at S. Andrews for repairing to the Kings Majestie, and Parliament of England, &c.
- 12.—Committee appointed to meet with the English Commissioners.
- 13.—Power of Collectorie to Master Robert Dalgleish, of the annuitie of 500 lib. sterling, granted by his Majestie to the Kirk.
- 14.—Approbation of the Lord Marquesse of Argyle his apprehending Ronald Maeronald, Priest.
- 15.—Approbation of the Laird of Birkenboge, for apprehending John Robeson, Priest.
- 16.—Renunciation of the unlawfull Band, conforme to the ordinance of the Assembly at Edinburgh, 1641.
- 17.—Recommendation anent the captives in Argiers.
- 18.—Approbation of Master Alexander Hender-



son, his faithfull and wise earriage in discharging of the Commission given to him by the Commissioners of the late Assembly, for going to His Majestie, &c.

19.—Report of the Committee appointed to meet with the English Commissioners.

20.—Report of the Committee appointed for trying the Presbyterie of Auchterarder, The Assemblies approbation, admonition, and publick rebuke of the severall brethren of that Presbyterie respective, according to their behaviours.

21.—Suspension of Master John Grahame. With [Answers.]

22.—The ordinance for debarring the Ministers who are Commissioners of that Presbyterie, from this Assembly.

23.—Recommendation to the Synod of Perth for reconciling the differences amongst the brethren of that Presbyterie.

24.—Publick rebuke of Master Henry Futhie.

25.—Recommendation of the desire of Sir John Crawford of Kilburnie, Knight, to the Presbyterie of Dumbarton.

26.—Anent Doctour Howies papers.

27.—Act anent the desire of the Letters sent from the Minister of the Scottish Kirk at Campheir.

28.—Recommendation to him, to urge the subscribing of the Covenant.

29.—Deposition of Master Andro Logie.

30.—Erection of a Presbyterie at Biggar, with a suspension of entrie thereunto.

31.—Reference of the matter betwixt the parishoners of Cloburne, &c., and the Presbyterie of Penpont, to the Synod of Dumfreis.

32.—Reference of the Petition of Dunseoir to the Commiss. Parl. for plantation of Kirks.

33.—Recommendation anent the Kirk of Carubie, to the Presbyterie of S. Andrews.

34.—Remitt. anent Traffat and Drungrey, to the Synod of Dumfries.

35.—Act anent Roger Lindesay of Maines his Excommunication, With a Recommendation to the Convention of Estates concerning him.

36.—Recommendation to the Convention of Estates, anent persons excommunicate.

37.—Commission for visitation of Orkney, Zetland, &c.

38.—Act anent the Kirk of Stracathro.

39.—Recommendation anent erecting a Kirk at Seatoun.

40.—Reference to the Commission to be appointed by this Assembly, for the publick affairs of this Kirk, for providing the Universitie of Aberdene with a Professour of Divinity.

41.—Reference to the said Commiss. for providing a Professour of Divinitie to the Universitie of S. Andrews.

42.—Committee appointed to conferre with the English Commissioners upon the Papers presented by them to the Assembly upon the 15 of August.

43.—Committee to conferre also with the Committee of the Convention of Estates thereanent.

44.—Ordinauce that Master Alexander Henderson, Master David Calderwood, and Master David Dickson, make some draught and forme of the publick Directorie for Worship.

45.—Act for proceeding with Ecclesiastick censures against the murderers of William Creightoun.

46.—Commission appointed to sit at Air for the particulars concerning the parochiners of Stainiekirk, &c.

47.—Triall of the Synod books.

48.—Approbation of the Act of the last Assembly, concerning the power granted to Sir Archibald Johnstoun, Procurator of the Kirk, and Clerk to the Assembly.

49.—Recommendation of the matter concerning a Colleague to the Minister of Dumfreis, to the Commissioners of Parliament for plantation of Kirks.

50.—Recommendation to the Synod of Lowthian, to try the proceedings of the Presbyterie of Peebles, in admission of Master John Hay to the Kirk of Peebles.

51.—Reference of Master John Mackenzie to the Commission of the Generall Assembly.

52.—Act for proceeding against the Presbyterie of Sky, for not keeping the Synod.

53.—Recommendation to the Lord Marquisse Argyle, to move the ruling Elders in Argyle, to be more observant of Presbyteries and Synods.

54.—Recommendation to the Lord Marquisse Argyle for planting Loquhaber.

55.—Ordinance for suppressing of sub-synods.

56.—Ordinance for deleting an Act of the Synod of Murray.

57.—Reference anent the order of triall of Synods, Presbyteries, and Kirks, With a recommendation for using the orders set down in the Assemblies 1638 and 1602, in the interim.

58.—Commission for planting the Kirks of Edinburgh.

59.—Remitt. to the Presbyterie of S. Andrews anent the Kirk of Largo.

60.—Recommendation of Master James Fairlie, to the Commission of this Assembly.

61.—Recommendation anent the Bill given in by William Janson, Priuter in Amsterdam.

62.—Reference anent Master Robert Fleiming to the Commission appointed to sit at Air.

63.—Report and approbation of the proceedings of the Commission of visitation of the Universitie of Glasgow.

64.—Commission of Visitation of that Universitie.

65.—Report of the Committee anent the distressed people in Ireland.

66.—Recommendation to the Commissioners of the Generall Assembly, to sit at Ediuburgh anent Expectants to go to Ireland.

67.—Acts anent James Murray.

68.—Recommendation of Master Robert Brown.

69.—Commission to the Presbyterie of Edinburgh, for his admission to the Earle of Irwins Regiment.

70.—Report of the Committee anent the receiving and dispensing of his receipts of the annuities of five hundred pound sterling, &c. And approbation thereof.

71.—Report of the Committee appointed to consider the References from the Commission of the late Assembly.

72.—Act for Master Andrew Murray, Minister at Ebdie, his exercise of his calling of the Ministerie, and for rejecting honours, &c. Incompatible with that calling.

73.—Recommendation Master William Bennet, Minister at Ancrum, to abstain from civill courts and meetings, &c.

74.—Recommendation to the Commissioners of the Assembly for tryall if any Excommuicate Papists, be in the Scottish Regiments in France, &c.

75.—Recommendation of Master James Johnstoun.

76.—Reference of Tillifruskie to the Presbyterie of Edinburgh.

77.—Recommendation anent Laird Gages mortification.

78.—Recommendation of Master Alexander Trotter.

79.—Recommendation anent the dismembring some parts of the Paroch of Hadintoun, to be a severall Parochine.

FINIS.



### Miscellaneous Historical Documents.

RELATIVE TO THE ECCLESIASTICAL AND POLITICAL  
EVENTS IN SCOTLAND—1643.

The League and Covenant referred to in the Acts, as “to be printed at the return thereof,” when received and approved of by the Parliament of England and Assembly of Divines, is not among the printed Acts of that or any subsequent year; but as it was afterwards sanctioned by these bodies, and the States of Scotland, we think it advisable, for the sake of connection and distinctness, to insert it and the Act of Ratification in this place.

August 17, 1643.

*A Solemne League and Covenant for Reformation and Defence of Religion, the Honor and Happinesse of the King, and the Peace and Safety of the three Kingdomes of Scotland, England, and Ireland.\**

WE Noble men, Barons, Knights, Gentlemen, Citizens, Burgesses, Ministers of the Gospel, and Commons of all sorts, in the kingdomes of Scotland, England, and Ireland, by the providence of GOD, living under one King, and being of one reformed religion, having before our eyes the glory of GOD, and the advancement of the kingdom of our Lord and Saviour JESUS CHRIST, the honour and happinesse of the Kings Majestic and his posterity, and the true publick liberty, safety, and peace of the kingdomes, wherein every ones private condition is included: And calling to minde the treacherous and bloody plots, conspiracies, attempts, and practices of the enemies of GOD, against the true religion and professours thereof in all places, especially in these three kingdomes, ever since the reformation of religion; and how much their rage, power, and presumption are of late, and at this time, increased and exercised; whereof the deplorable state of the church and kingdom of Ireland, the distressed estate of the church and kingdom of England, and the dangerous estate of the church and kingdom of Scotland, are present and publick testimonies; we have now at last, (after other means of supplication, remonstrance, protestation, and sufferings,) for the preservation of our selves and our religion from utter ruin and destruction, according to the commendable practice of these kingdomes in former times, and the example of GODS people in other nations, after mature deliberation, resolved and determined to enter into a mutuall and Solemne League and Covenant, wherein we all subscribe, and each one of us for himself, with our hands lifted up to the most High GOD, do swear,

I. That we shall sincerely, really, and constantly, through the grace of GOD, endeavour, in our severall places and callings, the preservation of the reformed religion in the Church of Scotland, in doctrine, worship, discipline, and government, against our common enemies; the reformation of religion in the kingdomes of England and Ireland, in doctrine, worship, discipline, and government, according to the word of GOD, and the example of the best reformed Churches; and shall endeavour to bring the Churches of GOD in the three kingdomes to the nearest conjunction and uniformity in religion, confession of faith, form of church-government, directory for worship and catechizing; that

we, and our posterity after us, may, as brethren, live in faith and love, and the Lord may deight to dwell in the midst of us.

II. That we shall, in like manuer, without respect of persons, endeavour the extirpation of Popery, Prelacy, (that is, church-government by Archbishops, Bishops, their Chancellors, and Commis-saries, Deans, Deans and Chapters, Archdeacons, and all other ecclesiasticall Officers depending on that hierarchy,) superstition, heresie, schisme, profanenesse, and whatsoever shall be found to be contrary to sound doctrine and the power of godlinesse; lest we partake in other mens sins, and thereby be in danger to receive of their plagues; and that the Lord may bee one, and his name one, in the three kingdomes.

III. We shall, with the same sincerity, reality, and constancie, in our severall vocations, endeavour, with our estates and lives, mutually to preserve the rights and privileges of the Parliaments, and the liberties of the kingdomes; and to preserve and defend the Kings Majesties person and authority, in the preservation and defence of the true religion, and liberties of the kingdomes; that the world may bear witness with our consciences of our loyalty, and that wee have no thoughts or intentions to diminish his Majesties just power and greatnesse.

IV. We shall also, with all faithfulness, endeavour the discovery of all such as have been or shall be incendiaries, malignants, or evil instruments, by hindering the reformation of religion, dividing the King from his people, or one of the kingdomes from another, or making any faction or parties amongst the people, contrary to this League and Covenant; that they may be brought to publick trial, and receive condigne punishment, as the degree of their offences shall require or deserve, or the supream judicatories of both kingdomes respectively, or others, having power from them for that effect, shall judge convenient.

V. And whereas the happinesse of a blessed peace between these kingdomes, denied in former times to our progenitors, is, by the good providence of GOD, granted unto us, and hath been lately concluded and settled by both Parliaments; we shall each one of us, according to our place and interest, endeavour that they may remaine conjoined in a firme peace and union to all posterity; and that justice may be done upon the wilfull opposers thereof, in manner expressed in the precedent article.

VI. Wee shall also, according to our places and callings, in this common cause of religion, liberty, and peace of the kingdomes, assist and defend all those that enter into this League and Covenant, in the maintaining and pursuing thereof; and shall not suffer ourselves, directly or indirectly, by whatsoever combination, persuasion, or terrour, to be divided and withdrawn from this blessed union and conjunction, whether to make defection to the contrary part, or to give ourselves to a detestable indifferency or neutrality in this cause, which so much concerneth the glory of GOD, the good of the kingdomes, and honour of the King; but shall, all the dayes of our lives, zealously and constantly continue therein against all opposition, and promote the same, according to our power, against all lets and impediments whatsoever; and, what we are not able ourselves to snpresse or overcome, we shall reveal and make kuown, that it may be timely prevented or removed: All which we shall do as in the sight of GOD.

And, because these kingdoms are guilty of many sins and provocations against GOD, and his Son JESUS CHRIST, as is too manifest by our present

\* Acts of Parl., vol. vi., pp. 107-9.



distresses and daugers, the fruits thereof; we professe and declare, before GOD and the world, our unfeigned desire to be humbled for our own sins, and for the sins of these kingdomes: especially, that we have not as we ought, valued the inestimable benefit of the gospel; that we have not laboured for the purity and power thereof; and that we have not endeavoured to receive CHRIST in our hearts, nor to walk worthy of him in our lives, which are the causes of other sins and trangressions so much abounding amongst us: and our true and unfeigned purpose, desire, and endeavour for ourselves, and all others under our power and charge, both in publick and in private, in all duties we owe to GOD and man, to amend our lives, and each one to go before another in the example of a reall reformation; that the Lord may turn away his wrath and heavy indignation, and establish these churches and kingdomes in truth and peace. And this Covenant we make in the presence of ALMIGHTY GOD, the Searcher of all hearts, with a true intention to performe the same, as we shall answer at that great day, when the secrets of all hearts shall bee disclosed; most humbly beseeching the LORD to strengthen us by his HOLY SPIRIT for this end, and to blesse our desires and proceedings with such successe, as may be deliverance and safety to his people, and encouragement to other Christian churches, groaning under, or in danger of, the yoke of anti-christian tyrannie, to joyn in the same or like association and covenant, to the glory of GOD, the enlargement of the kingdome of JESUS CHRIST, and the peace and tranquillity of Christian kingdomes and commonwealths.

July 15, 1644.

*Act anent the Ratification of the calling of the Convention, Ratification of the League and Covenant, Articles of Treatie betwixt the Kingdomes of Scotland and England, and remanent Acts of the Convention of Estates, and Committee thereof.\**

THE Estates of Parliament, presently conveyed by vertue of the last Act of the last Parliament, holden by his Majestie, and the three Estates, in anno 1641, Considering, that the Lords of his Majesties Privie Councel, and Commissioners for conserving the articles of the treatie, having, according to their interests and trust committed to them by his Majestie and Estates of Parliament, used all meanes, by supplications, remonstrances, and sending of Commissioners, for securing the peace of this kingdome, and removing the unhappy distractions betwixt his Majestie and his subjects in England, in such a way as might serve most for his Majesties honour, and good of both kingdomes; and their humble and dutifull endeavours for so good ends having proven ineffectuall, and their offer of mediation and intercession being refused by his Majestie; and thereby finding the weight and difficultie of affaires, and the charge lying on them to be greater then they could beare; did therefore, in the moneth of May 1643, meet together with the Commissioners for the common burdens, that, by joynt advice, some resolution might be tane therein; and in respect of the danger imminent to the true Protestant religion, his Majesties honour, and peace of thir kingdomes, by the multitude of Papists and their adherents in armes in England and Ireland, and of many other publick and important affaires, which could not admit delay, and did require the advice of the representative body of the kingdome; appointed and caused indict a meeting of the Convention of Estates (his

Majesty having formerly refused their humble desires for a Parliament) to be upon the 22d of Juno following; which diet being frequently kept by the Noblemen, Commissioners of shires and burrowes, and they finding these dangers against this kirk and state still increasing, Resolved, after serious deliberation and advice of the Generall Assembly, and joynt concurrence of the Commissioners authorized by the Parliament of England, that one of the chiefest remedies for preventing of these and the like dangers, for preservation of religion, and both kingdomes from ruine and destruction, and for procuring of peace, That both kingdoms should, for these ends, enter into Covenant; which was accordingly drawne up, and chearfully embraced and allowed. Whereat the opposite and malignant party, more enraging then before, did gather their strength and power against the same, so as the Estates were necessitate to put this kingdome into a posture of defence; and for this purpose, appointed Colonels and Committees of Warre in the severall shires for exercising the forces therein, and putting them in readinesse for mutuall defence, in this cause of Religion, his Majesties honour, and peace of his kingdomes, as they should be required by the Estates, or their Committee who were entrusted with the charge of the publicke effaires of the kingdome during the not sitting of the Estates. And at last a treatie was agreed unto by both kingdomes, concerning the said Covenant, and assistance craved from this kingdome by the kingdome of England, in pursuance of the ends expressed therein, and another Treatie for settling a Garrison in and securing of the Town of Berwick, as the same more fully proports, conforme whereunto orders were issued forth, and an Armie raised out of the shires and burrowes of this kingdome and sent unto England. And the Estates finding themselves bound in dutie and conscience to provide all means of supply of that Army, and relieving the Scots Army in Ireland, did resolve that the same should be by way of Excise, as the most constant, just, and equall way, least prejudiciall to the kingdome, and most beneficiall to the cause in hand, and ordained certaine rates and summes to be raised off the commodities contained in the Act made thereanent, and schedule there unto annexed; and in respect of the necessitie of present money, and that the Excise could not be gotten timously in for supply of the army, did appoint that all persons within this kingdome who had moneys, or by their credit could raise and advance the same, should lend such summes to the Estates or their Committee as they should be required, upon assurance of repayment from the publick in manner contained in the Acts made thereanent; and gave orders to their Committee to see them put in execution, who have accordingly beene carefull in discharge of that trust committed to them:—And the Estates being still desirous to use all good meanes, that, without the effusion of more bloud, there may be such a blessed pacification betwixt his Majestie and his subjects, as may tend to the good of religion, his Majestie's true honour and safety, and happinesse of his people, did therefore give commission to John Earle of Loudoun, Lord Chancellor, Lord Maitland, Lord Waristoun, and Mr Robert Barclay, to repaire to England, and endeavour the effectuating of these ends contained in the covenant and treaties, conforme to their instructions. And, in this interim, the Estates being informed of the traiterous attempts of some unnaturall countrey men, who, in ane hostile manner, invaded this kingdome toward the south, and had their complices in armes in the north, all for ane

\* Acts of Parl., vol. vi., pp. 106-7.



designe, of subverting the religion, lawes, and liberties of the kingdome, were necessitate, for suppressing thereof, to direct an army to the south, under the command of the Earle of Calender, and a Committee of the Estates to be assisting to them; another armie to the north, under the command of the Marquesse of Argyle, and a Committee to goe along with him.

And the said Estates having taken the proceedings above written to their consideration, do finde and declare, That the Lords of Councell, and conservers of peace, did behave themselves as faithfull counsellours, loyall subjects, and good patriots, in tending their humble endeavours for removing the distractions betwixt his Majestie and his subjects, and in calling the Commissioners for the common burdens, and, by joynt advice, appointing the late meeting of Convention, wherein they have approven themselves answerable to the dutie of their places, and that trust committed to them; and therefore ratifies and approves their whole proceedings therein, and declares the said Convention was lawfully called, and als full and free in itselfe, consisting of all the members thereof, as any Convention hath beene at any time bygone; and ratifies and approves the severall Acts made by them, or their committee, for enjoining the Covenant, appointing of Committees, putting the kingdome in a posture of Defence, allowing the Treaties, raising of Armies, and sending them into England, establishing the Excise and borrowing of money, and all other Acts, Deereets, Sentences, Precepts, Warrants, Commissions, Instructions, Declarations, and other Deeds done by them. And also, the said Estates of Parliament (but prejudice of the premisses, and of the generall ratification above mentioned) ratifies, approves, and confirms the foresaid mutuall League and Covenant, concerning the reformation and defence of religion, the honour and happinesse of the King, and the peace and safety of the three kingdomes of Scotland, England, and Ireland; together with the acts of the Kirk and Estate authorizing the same League and Covenant; together also with the foresaid articles of treaty agreed upon betwixt the said Commissioners of the Convention of Estates of Scotland and the Commissioners of both the Houses of Parliament of England, concerning the said Solemne League and Covenant, and the settling of the Towne and garrison of Berwick, with the foresaid Acts establishing the Excise and borrowing of moneyes, respective above mentioned. And the said Estates ordaines the same Acts, with the League and Covenant above specified, acts authorizing the same, and the articles of treaty foresaid, to have the full force and strength of perfect lawes and acts of Parliament, and to be observed by all his Majesties lieges, conform to the tenors thereof respective. Of the which League and Covenant, Acts authorizing the same, Treaties above written, and Acts for establishing the Excise, and for borrowing of money, the tenors follow: [As above.]

2. *Principal Baillie's Journal of the General Assembly 1643, in a Letter to the Rev. William Spang, September 22, 1643.\**

REVEREND AND DEAR COUSIN,

It is marvelled, that your Prince is pleased so long to do nothing, but once in a year to take a look on the cneiny's country, and return without any attempt. But that which touches our heart to the quiek, is the lamentable ease of England. The great

weakening of Essex's army by sickness and run-aways, left brave Waller to be overmastered and routed by the Cavaliers, so amused Bristol, that, either through treachery or cowardice, that great and most considerable city was delivered. This was a terrible stroke to the parliament, that Essex, with the relieks of his army, remain in and about the city. The country for the most seems to be abandoned. We know what may hinder the King to come near. It seems that Manchester and Waller, with their new army of citizens, will fight, if the Cavaliers come to assault or beleaguer the city. Their mistrusts and slowness have undone them, if God work not wonders. The few Lords that made their upper house have been their wrack, when Northumberland and Sey have given them cause of jealousy in whom they could confide. For the present the parliament-side is running down the brae. They would never, in earnest, call for help till they were irrecoverable; now, when all is desperate, they ery aloud for help: and how willing we are to redeem them with our lives, you shall hear.

August 1st. Being advertised by my Lord Wariston to be in town some time before the synod, for advisements, Mr David Dick and I came in on Tuesday August 1st; where some few of us meeting in Wariston's chamber, advised whom to have on committees for bills, reports, and other things. Our greatest consultation was for the moderator. We foresaw great business was in hand: strangers were to be present: minds of my brethren were exasperated. Mr Henderson was the only man meet for the time: yet it was small credit to us, who so oft were necessitated to employ one man: besides, the moderation would divert him from penning such writs as seemed he behoved to pen before the assembly rose. We were inclined, therefore, that Mr R. Blair should moderate; but by God's good providence, both to him and to us, he being visited with a flux and gravel, was not able for some days to come from St Andrew's: therefore necessity drove us to resolve on Mr Alexander; so much the more, as we found that very day his Majesty's commission was unexpectedly thrust on the Advocate. It seems the commission from Oxford hath come to the Seeretary, Lanerk, blank, to be filled with whose name he and some others thought expedient. Sometimes Lindsay, sometimes Glencairn, were spoken of; but both finding the impossibility to execute the instructions to the King and country's good liking, refused the charge; and put in, beside his knowledge, and contrary to his mind, the Advocate's name: of whom they had small care, whether he lost himself or not. The instructions were thought to be very hard; yet the Advocate did not execute, nor name any of them to count of; for he was so wise, and so well dealt with by his two sons, that he resolved to say nothing to the church or country's prejudice.

On Wednesday, August 2d, was a solemn fast for the members of the assembly. Mr Douglas preached before noon, and Mr Henderson after, both very satisfactorily. That same day we had our first session, in a little room off the east chureh, which is very handsomely dressed for our assemblies in all time coming when we shall have them there. The commissions were given in: some small burghs had none: far-off presbyteries had but one. His Majesty's commission was read in the the ordinary tenor. Our clerk made the ordinary exception against the clause of the assembly's translation with the Commissioner's advice. His Grace offered to get that clause so qualified as hereafter the commission might pass without exception. This at divers times he offered; but want of leisure, or something

\* Baillie's Letters, vol. i., p. 373.



else, hindered the performance. As the custom is, the moderator gave the lect of one whom he intended, and other three, Mr William Jamison, Mr Robert Murray, and me, whom he knew would not come in balauce with Mr Henderson. When we were removed, much din was made for addition to the lect; for divers who knew not the seeret, and considered not the necessity of the times, intended to have had Mr James Bonner, or Mr David Lindsay, moderator; neither whereof had been meet. To prevent their design, the lect was framed as you hear; and when they pressed addition, it was voiced, and carried, that notwithstanding of the assembly's liberty to add, yet at that time it was not expedient to make any addition, so unanimously Mr Henderson was declared moderator. The King's letter to the assembly was read. The matter was very fair; remembering us of our obligations to him, in conscience, and for the great benefits we had received; and exhorting us to the study of peace; but the inscription was most strange and base, "To our trusty and well-beloved Sir Thomas Hope of Craighall, and the rest convened with him in the general assembly," or such words. Notwithstanding, his Grace shewed us, that he had warrant to declare, in his Majesty's name, that beside all the benefits already granted, he was willing to do all further what the assembly conceived necessary for the benefit of religion. Argyle desired that this might be put in writ: but presently his Grace began to eat it up; yet promised to give in to-morrow, under his hand: but when it came, it was clogged with prejudicial limitations, that we requested it might be taken back, and no more memory to be of any such offer. There were a great number of noble members of the assembly, the Chancellor for Irvine; yet being debated in council, that the Chancellor behoved to carry the purse with the commission, where-ever he appeared with the Great Commissioner, he thought it not expedient to accept the commission; wherefore Eglinton was put in the commission of Irvine, by the commissioners of the presbytery there present. None of the noblemen attended the Commissioner: at once the great commission will become vile. They sat at our table constantly before noon; for afternoon they behoved to keep with the states, Argyle, Sutherland, Marischal, Eglintou, Cassils, Lauderdale, Dumfermling, Dalhousie, Buccleugh, Queensberry, Didup, Angus, Balmerino, Maitland, Coupar, Lindsay, Balearras, Sinclair, Elcho, and others.

Thursday, August 3d, a commission was received from the presbytery of the Irish army. A committee was appointed to cognosce and report, anent the manifold and most weighty proceedings of the commissioners from the last assembly; another for bills; a third for reports and appeals; a fourth for examination of the provincial synod books: all which were produced and esteemed one of the chiefest and most proper tasks of the general assembly. All the active spirits, and most considerable men, were distribute among these committees. I had still the favour to be in the privy committee of the moderator's assessors, with Mr Robert Douglas, Mr D. Dickson, Mr S. Rutherford, Mr Gillespie, who albeit not a commissioner, yet I found always much respected by Mr Henderson; but Mr A. Ramsay, and the rest, Mr J. Adamson, Mr W. Colvil, Mr J. Sharp, miscent: for myself, I did keep in this assembly, and the former, silence, so far as I might, both in private and publick; for the longer I live, bold and pert loquacity I like it the worse. The visitation of the university of St Andrew's was reported; but the work not being perfected it was continued.

Much time spent in disputation, if the parliament's commission should not be enervated by any addition to their commissioners. Always Argyle undertook, the convention of estates and parliament would well allow of any the assembly should add, to get a ready quorum: of purpose time was spent; for we did greatly long for the English commissioners, of whose coming we were well near out of hope, many thinking their stay to be from the Lords denying them a commission, and some from their policy, to make us do, of our own selves, without their desire, what they would be at. All bills were ordained to be given in against Wednesday next. A regret from the north, that there was no execution of laws against excommunicate Papists, was referred to the convention of estates. There were four appointed to nominate preachers during the assembly. It was their good luck to employ few of the best, the most able not being the most ready.

Friday the 4th, much was spoken for the apprehension of excommunicate Papists. The act of parliament provides it to be on the King's charges. A committee was appointed to try the disobedience of Auchterarder presbytery: upon Mr John Hume's refusal to be one, as being party, because one of the commission who was wronged, it was debated and resolved, that since the commission might have themselves censured all the disobedients, none of them might be counted parties. We had an idle and needless question that day resolved. In the time of my absence, Mr D. Dickson and I were chosen commissioners from the presbytery of Glasgow to the general assembly; so it was like to fall on the principal for the university. Divers bygone years he had avowed, and half protested, that the presbytery should not have power to chuse any member of the university. By this means he was assured never to go commissioner but from the university, and so never on his own charges. This we envied not; but we saw the consequent was, that Mr D. Dickson and I, while we lived, should never more be members of the general assembly but by his good pleasure; which we took for an intolerable inroad on our ministerial liberties. Of this design we were so much the more confirmed, as, in the next college meeting, he caused elect me commissioner for the university, miskenning the prior election of the presbytery as null. While I peremptorily refused the university's commission, and did in private deal he might be pleased either to take it himself, or permit it to fall on our vice-chancellor Mr Zachary, both he refused, and resolved upon a course which was the greatest despite he was able to do us in a matter of that kind. Mr David being long grieved, that, by the backwardness of the principal, and others, he could not get his office of dean of faculty execute as he desired, did peremptorily, once or twice, lay down that charge: yet all requested him to keep it, and would chuse no other. Mr R. Ramsay and I, foreseeing the appearance of Mr Edward's putting in that place, if he continued in his wilfulness, had moved him to be content to continue for one year. This much in effect we made him signify in the university meeting. For all this, such was the principal's pleasure, that he will have a new dean of faculty chosen; and, passing by Mr R. R. gets Mr Edward Wright elected, first dean of faculty, then commissioner. This I took for a spiteful affront; and so avowed, that by a new visitation we would essay to have our university otherwise ruled; for we thought strange, that the principal, at thir times, should essay to have places filled with men who notoriously were not only at his own devotion, such as vice-chancellor and dean of faculty, but also



otherwise minded in the publick affairs than we did wish ; such as the Marquis of Hamilton, Chancellor ; the Commissar, Reetor ; and his three assessors, Mr John Hay, Mr W. Wilkie, Mr G. Forsyth, three regents ; Mr D. Monro, Mr D. Forsyth, Mr W. Semple, master of the grammar ; all of his own creation, to be employed for any thing he pleased. We did storm at this, and I most. Easily we might help all these : but I dare not essay it ; for it would be sundry of their undoing, from which my mind in cold blood does abhor on any, but especially on these men, my dear friends, and otherwise some of them well deserving of their places. So, as before I did truly, by myself and others, at the assembly at Glasgow, see to Dr Strang's safety, when his place was in great hazard by his great provocations, the subscribing the petition against ruling elders, ending in a real protestation ; the subscribing of the covenant with very dangerous limitations ; the deserting of the assembly itself, after some days sitting as commissiour ; All these three being imputed to him as the only author, did create much wrath in our nobles against him, which yet is not forgot. My fears that the least complaint against him would bring on him a censure which I would not be able to moderate, forced me to be quiet ; only I made the moderator propone in general, whether university-men might be chosen commissiours by presbyteries ? This being affirmed by all, put his needless quarrel out of question. Also I got the commission for visitation renewed with such men as I thought fittest. This I intend for a wand to threat, but to strike no man, if they will be pleased to live in any peaceable quietness, as it fears me, their disaffection to the country's cause will not permit some of them to do.

Saturday, the 5th, your business came in. I confess we needed not, neither Mr G. Gillespie nor I, solicit any in it : the moderator was of himself so careful of it, both for his regard to you, and the matter itself ; as also to take that occasion by the top to banish altogether church-burial from among us, as well of noble as ignoble persons. This day your letter and informations were read, but delayed to be considered for divers days thereafter ; always at last unanimously you had all you desired clearly determined.

Upon the regret of the extraordinary multiplying of witches, above thirty being burnt in Fife in a few months, a committee was appointed to think on that sin, the way to search and cure it. The Scots of Ireland did petition for supply of ministers, and were well heard. Sir John Scot's bill, for pressing presbyteries to describe their own bounds, was not so much regarded.

Sunday, the 6th, Mr David Dick preached well, as always, in the New Church before noon, but little of the present affairs ; for as yet men knew not what to say, the English commissioners not being yet come.

But on Monday, the 7th, after we were ashamed with waiting, at last they landed at Leith. The Lords went, and conveyed them up in coach. We were exhorted to be more grave than ordinary ; and so indeed all was carried to the end with much more awe and gravity than usual. Mr Henderson did moderate with some little austere severity, as it was necessary, and became his person well. That day, one Abercrombie being delate of clear murder, was ordained to be excommunicate summarily. He had been in process for adultery. The Presbytery of Garioch, for fear of the man, had been too slack in it ; so the man killed, in a drunken plea, his wife's son, who had married his own daughter. The synod

of Aberdeen was directed to censure the presbytery of Garioch for their unhappy slackness, and the moderator of the presbytery was ordained, immediately on his departure from the assembly, to go to the murderer's parish-church, and without any citation, or any delay, the fact being notour, and the person fugitive, to excommunicate him, and to cause intimate the censure the Sabbath following in all the churches of the presbytery, not to be relaxed till he gave satisfaction also for the slander of adultery.

Tuesday 8th, Wednesday 9th, and Thursday 10th, the moderator shewed, that two of the English ministers had been at him, requiring to know the most convenient way of their commissioners address to the synod. It was thought meet to send some of our number, ministers and elders, to salute and welcome them. Mr R. Douglas, Mr G. Gillespie, my Lord Maitland, and I, were named ; therefore we resolved, their own order of address whereby they admitted our commissioners to their parliament, should be fittest ; that their access to the assembly, as private spectators, should be when they would ; for which end a place, commodious, above in a gallery, was appointed for them ; but as commissiours, their access should not be immediately to the assembly, but to some deputed to wait on them, who should report from them to the assembly, and from it to them, what was needful. So to us four were joined other four, with the moderator, Mr D. Dickson, Mr S. Rutherford, my Lord Angus, and Wariston, a committee of nine. The convention of estates used the same way of communication with them, naming for a committee, Lindsay, Balmerino, Wariston, Humble, Sir John Smith, Mr Robert Barclay. When we met, four gentlemen appeared, Sir William Armin, Sir Henry Vane younger, one of the gravest and ablest of that nation, Mr Hatcher, and Mr Darley, with two ministers, Mr Marshall and Mr Nye. They presented to us a paper introduction, drawn by Mr Marshall, a notable man, and Sir Harry, the drawers of all their writs ; also their commission from both Houses of Parliament, giving very ample power to the Earl of Rutland, Lord Gray, and these four, to treat with us, and to the two ministers, to assist in all ecclesiastick affairs, according to their instructions given or to be given, or to any four of them ; also they presented a declaration of both houses to our general assembly, shewing their care of reforming religion, their desire of some from our assembly to join with their divines for that end, and withal our assembly's dealing, according to their place, for help from our state to them ; likewise a letter from their assembly to them, subscribed by their prolocutor Dr Twisse, and his two assessors, Mr Whyte and Dr Burgess, shewing their permission from the parliament to write to us, and their invitation of some of us to come for their assistance ; further, a letter, subscribed by above seventy of their divines, supplicating, in a most deplorable style, help from us in their present most desperate condition. All these pieces, I think, you shall have in print. Few words did pass among us. All these were presented by us to the assembly, and read openly. The letter of the private divines was so lamentable, that it drew tears from many. It was appointed, that the forenamed committee should make ready the answers for all, to be presented to the assembly with all convenient speed. Above all, diligence was urged ; for the report was going already of the loss of Bristol, from which they feared his Majesty might march for London, and carry it. For all this, we were not willing to precipitate a business of such consequence. Our state had sent up Mr Meldrum ; we expected him daily, with cer-



tain information, as indeed he came within a few days; and then we made all the haste we might. There was in the moderator's chamber a meeting sundry times of the prime nobles, and some others, where I oftentimes was present. I found, however, all thought it necessary to assist the English; yet of the way there was much difference of opinions. One night all were bent to go as riders, and friends to both, without siding altogether with the parliament. This was made so plausible, that my mind was with the rest for it; but Wariston has alone shewed the vanity of that motion, and the impossibility of it. In our committees also we had hard enough debates. The English were for a civil league, we for a religious covenant. When they were brought to us in this, and Mr Henderson had given them a draught of a covenant, we were not like to agree on the frame; they were, more than we could assent to, for keeping of a door open in England to Independency. Against this we were peremptory. At last some two or three in private accorded to that draught, which all our three committees, from our states, from our assembly, and the parliament of England, did unanimously assent to. From that meeting it came immediately to our assembly; in the which, at the first reading, being well prefaced with Mr Henderson's most grave oration, it was received with the greatest applause that ever I saw any thing, with so hearty affections, expressed in the tears of pity and joy by very many grave, wise, and old men. It was read distinctly the second time by the moderator. The minds of the most part was spiced, both of ministers and elders; where, in a long hour's space, every man, as he was by the moderator named, did express his sense as he was able. After all considerable men were heard, the catalogue was read, and all unanimously did assent. In the afternoon, with the same cordial unanimity, it did pass the convention of estates. This seems to be a new period and crisis of the most great affair which these hundred years has exercised their dominions. What shall follow from this new principle, you shall hear as time shall discover.

The committee for revising the acts of the commissioners of the last assembly, took up the most of Tuesday, Wednesday, and Thursday, with their report. All was approved; Maitland for his happy diligence thanked; so likewise Argyle, and Birkenbog, for their apprehending of two priests. Every presbytery, university, and parish, were ordained to get a covenant, to be subscribed by all their members. We were fashed with two questions. My Lord Balvaird had deserted his ministry, and came to the convention of estates to voice as a Lord. A minister in the south had purchased a lairdship, and, as a laird, had come to the meeting of the shire, and voiced for eluding a commissioner to the convention. Both of them were furtherers of the Balvaird way. After much reasoning, we determined, that both did wrong; that Lord Balvaird should keep his ministry, and give over voicing in parliament, under pain of deposition, and further censure; that the other should no more sit nor voice in any court. A thorough business came in, which the moderator, by great wisdom, got canuily conveyed. The brethren of Stirling and Perth had made great outcries, that the commission had authorised the clerk, in printing the assembly-acts, to omit two acts of Aberdeen, one anent the Sabbath, another about novations. In both these satisfaction was given: That our bounding the Sabbath from midnight to midnight might offend some neighbouring kirks: As for the other act, about novations, it was expressed also clearly in the printed acts of the posterior assembly,

to be made use of by all who had occasion. These things were so well delivered, that all were quieted. Mr Harry Guthrie made no din. His letter was a wand above his head to discipline him, if he should mnte. The presbytery of Auchterarder was under the rod, to be made an example to all who would be turbulent. After long examination of their business, at last they were laureat. Some two or three of that presbytery, when many of the gentry who were not elders, were permitted to sit among them, and reason against the warning and declaration; and when Ardoch presented reasons in writ against these pieces; yet they who were proven to have been forward for the present reading of these pieces, were commended. Others who, notwithstanding of the presbytery's conclusion, of not reading, yet did read, were, for voicing the continuation, gently rebuked. Others who at last caused read parts of them, and Mr James Row, who caused read them before himself came in, were sharply rebuked, and their names delate from among the members of this assembly. Mr John Graham, who now the second time had spoken scandalous speeches of the commission, was made to confess his fault in face of the assembly on his knees, and suspended till the next provincial. Ardoch, an old reverend gentleman, for his former zeal, was spared; only was urged upon oath to reveal the persons from whom he had the reasons contrary to the warning. Mr Harry Guthrie of Angus, a suspected person, for not by name expressing of the malignants in a sermon at the provincial, was made on his knees to crave pardon, and promise amendment. Mr Andrew Logie, who lately had been reposed to his ministry, being cited to answer many slanderous speeches in pulpit, not comparing, but by an idle letter to the moderator, was deposed, without return to that church for ever. Dr Forbes, whose sentence of deposition at Aberdeen I had got to be suspended till the presbytery of Edinburgh had essayed to gain him to our covenant; they, when they found no hope, pronounced the sentence. This he thought unjust, and moved in the provincial of Aberdeen, that they would try in this assembly if he might be permitted to bruik his place, though he could not subscribe our covenant. It was determined his deposition was valid from the beginning, and that he, and all other, should either subscribe, or be farther processed. It was complained, that Huntly received sundry excommunicated Papists in his service; that he had no worship in his family; that these seventeen years he had not communicate, but once with the excommunicate Bishop of Aberdeen. Of these he was ordained to be admonished by his presbytery. Hereof he was quickly advertised; so that, ere we arose, he sent to us, under the hand of some neighbour-ministers, a testification of his good carriage. But the former information being verified, the attesting ministers were ordained to be rebuked. Sir John Seaton of Barns, after a fair excuse of his Irish oath, was ordained to be conferred with for subscribing our covenant within a certain time; and upon his disobedience, to be processed, and have his daughter removed. Mr Robert Dogliesh was elected church-treasurer, for the debursing of the £500 Sterling as the commissioners of the church should appoint. The commissioners who went to Ireland were thanked; Mr Jo. Maclelland, for not going, called to answer: his health excused him. The same reason excused the visitors of Orkney for their omission. Others were appointed to go this year to both places.

Friday was the first day of the English appearing in our assembly. Your affair spent the most of that day. For the general, sundry noblemen, espe-



cially Eglinton, were not content to be excluded from the burial of their fathers in the church; yet their respect to the presence of strangers, and Argyle's shewing his burying of his father in the church-yard, and offering himself to be laid any where when he was dead, rather than to trouble the church when he was living, made them in silence let the act go against them. Much din was for the erecting a new presbytery at Biggar. The convenience, to ease some twelve or thirteen churches at Lanerk and Peebles, with the leaving of more than thirteen to every one of the old presbytery-seats, did carry it; but because of my Lord Fleming's small affection to the common cause, the execution of this decree was appointed to be suspended during the assembly's pleasure.

Sunday I was obliged to preach before noon in the New Church. I had prevailed with the committee to put me in another place, for I much disliked to be heard there; but the moderator with his own hand did place me there, so there was no remedy; for who spoke against conclusions, got usually so sickly on the fingers, that they had better been silent. God helped me graciously on Psalm 51. "Do good in thy good pleasure to Zion, build up the walls of Jerusalem." Many were better pleased than I wished; for I am like to be troubled with the town of Edinburgh's too good liking, as ye will hear.

14th. Execution of the acts against excommunicate Papists, and others, with whose estate no man would or durst meddle, was recommended to the estates. Ministers deposed by general assemblies not to be restored by provincial synods or presbyteries. Roger Lindsay, cited for blasphemy, and other faults, not appearing, ordained to be summarily excommunicate, and the states to be dealt with for further punishment against him. Mr Fairlie's, late Bishop of Argyle, long plea decided. His scholar, my Lord Register, had presented him to Largo at the commissioners of the general assembly's desire. The people would not hear of him. The presbytery of St Andrew's joined with the people. They were not cited; so the assembly could not judge, but behoved to commit it to the presbytery. The man hath long been in extreme misery. He was sure his remitting to the presbytery was the loss of the cause, and his assured loss of all churches in the land, for no appearance that any people would ever accept of him. Many tears shed he before us. Vehement was Durie for him; but there was no remedy; parishes and presbyteries might not be wronged. In all the assembly great care was had, not only that nothing should come *per saltum*, but all particulars decidable in presbyteries and provincials, should be remitted, with a reproof of them, for sending to the assembly these things which they themselves could more easily, and often better determine. We are like to be troubled with the question of patronages. William Rigg had procured a sharp petition to us from the whole commissioners of shires and burghs against the intrusion of ministers on parishes against their minds. Divers noblemen, patrons, took this ill. We knew not how to guide it; at last, because of the time, as all other things of great difficulty, we got it suppressed. Only when something about presentations came in publick, good Argyle desired us, in all our presbyteries, to advise on the best way of admitting of intrants, which the next general assembly might cognose on and conclude. He promised many, and trusted all, patrons should acquiesce to the order. This pleased all.

15th. In our privy meetings we had many debates anent the troublesome evil of novations. All the noblemen, especially Lauderdale, were much displeased with the favourers of them; yet they were countenanced more by some than was pleasing to all. Mr John Livingstone and Mr John Maclelland were put on the chief committees, and other employments. From the presbyteries of the synod of Glasgow, none of them were sent commissioners, by the providence of some there; yet most of them came to the town. Being called to the moderator's chamber, Mr J. Maclelland, and Mr John Nevo, most did propound their reasons for their judgment. Mr S. Rutherford, and Mr D. Dick did answer. All heard with disdain. Mr J. Nevo's reasons were against the Lord's prayer. After an hour's jangling, we left it nothing better. I found many inclined, especially Mr S. R. though he professed it duty to answer satisfactorily all their arguments, for peace sake to pass from the use of the conclusion, and bowing in the pulpit, especially if we agree with England: however, we agreed to draw up some act, for satisfying in some measure all. Mr H. Guthrie, and the brethren in the north, were so overawed, that they were very quiet; and being sent for, professed their contentment, for the necessity of the time, to be content of any thing: but Mr G. Young, Mr John Bell, and others of the west, were not so soon satisfied; but threatened, on all hazards, to make much din, if something were not really done for marring the progress of that ill. Mr Henderson communicated to me the act he had drawn. I told him my dislike of some parts of it, as putting in too great an equality the novators and their opposites; also my opinion that the directory might serve for many good ends, but no ways for suppressing, but much increasing, the ill of novations. However, I assured I would make no din, but submit to him, who was much wiser than I. These my thoughts I would not communicate to others; so the brethren opposing most the novations being sent for, when they heard the act, were well pleased with it, whereof I was glad. This act did pass unanimously with all. Mr Henderson, Mr Calderwood, and Mr Dickson, were voiced to draw with diligence that directory, wherein I wish them much better success than I expect; yet in this I am comforted, that in none of our brethren who are taken with these conceits, appear as yet the least inclination to Independency; and in these their different practices they become less violent, and more modest. Mr Ja. Bonner had not got such satisfaction as need were. For his full contentment, he got a committee to sit at Ayr for the further trial and censure of all who had interest in that riot.

Wednesday, 16th, a report was made by the clerk of the committee for visiting the books of the provincial synods. It was found, that the books of Argyle and Orkney were most accurate and formal. Sundry questions were resolved. The order of visitation of churches, presbyteries, and provincial synods, drawn up by Mr Calderwood, were read. They were tediously long, but many of them very useful; so they were referred, to be revised against the next assembly, to these brethren who were appointed for the directory.

Thursday, the 17th, was our joyful day of passing the English covenant. The King's Commissioner made some opposition; and when it was so past, as I wrote before, gave in a writ, wherein he, as the King's Commissioner, (having prefaced his personal hearty consent,) did assent to it, so far as concerned the religion and liberties of our church; but so far



as it concerned the parliament of England, with whom his Majesty, for the present, was at odds, he did not assent to it. The moderator and Argyle did so always overawe his Grace, that he made us not great trouble.

Friday, the 18th, a committee of eight were appointed for London, whereof any three were a quorum. Mr Henderson, Mr Douglas, Rutherford, Gillespie, I, Maitland, Cassils, Wariston. The magistrates of Edinburgh obtained a warrant to the commissioners of the general assembly, to plant their churches with three, dispensing with the overture of the last assembly anent the order of transportation, that they should not need to appear before presbyteries and synods, but at this time the commission should have power quickly to plant them. This dispensation with the act only of order, they intend to make a catholic dispensation with all acts of all assemblies, as if a free patent were given to take any they will in all the land. So they have elected Mr Ja. Hamilton in Dumfries, of whom they have got two *Nolumus* already from the general assembly; Mr Jo. Oswald of Aberdeen, who with so great difficulty was gotten north, and me. By my pithy and affectionate letters to Argyle, Wariston, and their bailies, I have got a supersedere from their present summons, and hopes to be made free of their cumber; else I will appeal to the assembly, for in truth my greatest end in coming to Glasgow was to flee their hands.

19th. Our last session was on Saturday. A number of particulars that day passed. Mr Ja. Houston, a pious and very zealous young man, minister at Glasford, in the time of his trials, and after his admission, had fallen in fornication, for which he was deposed by the presbytery of Hamilton; but being called to serve one of the Irish regiments, was permitted to preach by the presbytery of Paisly. Whereupon his old parishioners very instantly did suit his return to them; while the presbytery of Hamilton refuses, the parish supplicates the synod; where many being his friends, especially Mr R. Ramsay, and Mr D. D., he is ordained to be reposed in his old place. The presbytery appealed. The general assembly found it *bene appellatum*, and reproved the synod. The great affront fell on Mr David; for in the synod I had voiced with the presbytery. However, I did my best to keep it from further hearing; but could not prevail. This day our answers to the King's letter, to the parliament of England's declaration, by Mr Henderson; to the assembly of divines, by Mr Blair; to the private letter of corresponding divines, by Mr David Dickson, were publicly read, and approven, albeit in our privy meeting revised. An ample commission was drawn to a number of the ablest in the whole land, whereof twelve ministers and three elders made a quorum. The parliament meeting in Edinburgh the first Tuesday of June, the next assembly was appointed to hold in that same place the last Wednesday of May. The moderator ended with a gracious speech, and sweet prayer. In no assembly was the grace of God more evident from the beginning to the end than here; all departed fully satisfied.

20th. On the Sabbath, before noon, in the New Church, we heard Mr Marshall preach with great contentment. But in the afternoon, in the Grayfriars, Mr Nye did not please. His voice was clamorous: he touched neither in prayer nor preaching the common business. He read much out of his paper book. All his sermon was on the common head of a spiritual life, wherein he ran out above all our understandings, upon a know-

ledge of God as God, without the scriptures, without grace, without Christ. They say he amended it somewhat the next Sabbath.

21st. On Monday the commission did sit on sundry particulars. But on Tuesday the only errand it had was to appoint me to go presently to London. Of this I understood nothing at all; for our quorum being three, Mr Alexander and my Lord Maitland were undoubtedly two, and the diet of going being on Saturday following, no man could dream they would be so unreasonable as to command me, without visiting my family, and putting my small affairs to some order, so suddenly to go so far a voyage, having Mr G. Gillespie, who from his own door might put his foot in the ship when he pleased: notwithstanding, in a meeting of the nobles and others, on the Monday, from which I had foolishly absented myself, it was concluded I should go, and that a commission should sit to-morrow for that end. Of this I got a little inkling on Tuesday morning; but not believing it, I was not so earnest, as otherwise I might have been, in soliciting, till near nine o'clock, when I found the conclusion was real: so I did what I could with so many of the commission I got betwixt and ten, to deprecate my so sudden departure; but being desperate of my prevailing, my best friends shewing me the necessity, I committed the matter to God, with a humble submission. Never, to my sense, did I find so clear a providence about me. I offered, in a ten days, to follow in the next ship; but this would have broken the quorum, and made the other two's journey unprofitable till I came. When it came to voicing, Mr Henderson and Maitland being unauimously chosen, the voices ran just equal, some twenty for me, and as many for Mr George. I then desired a delay till the afternoon, when the commission might be more full. This was refused: so it was voiced over again, and again we were equal. Then it was referred to the moderator's choice; who, on his knowledge of my vehement desire and state of my family, named Mr George, for which I blessed God in my heart; but he had not well spoken till Liberton came in, who, if he had come before the word, would have cast the balance for me. But being freed of that great trouble, incontinent I was like to fall in another. Edinburgh put in, that in time of our college-vacance, I should be nominated to stay and supply them. Argyle, who was chief for my going to London, having burnt me before, would then blow me. He reasoned stoutly for my going to Glasgow; yet it was determined that in the time of the vacance, Mr S. Rutherford, Mr D. Dickson, and I, by turns, should be there; but finding it their aim to entangle me, I have not been there, nor minds to know them.

After my departure, with joy for my liberation unexpected from a troublesome if not a dangerous voyage; for besides the sea, it was feared the King should get London before they could be there; things, praised be God, went better. The convention of estates emitted a proclamation, containing the heads of the covenant, and commanding all within sixty and sixteen, to be in readiness in full arms, with forty days provision, to march to the rendezvous that the convention or their committees should appoint. This was the first alarm. The English commissioners made promise to secure our coast with their shipping, and providing for our levy, and three months pay, L.100,000 Sterling, also L.6000 to the Irish army. The year, through their default, was far spent, and little possibility there was for us to arm so late. The corns behaved



to be first cut : and in this God has been very gracious : never a better crop, nor more early with us. The beginning of October is like to end our harvest. Also we could not stir till England did accept and enter in the covenant, and send down money. For the hastening of these, the great ship, with our three commissioners, Mr Meldrum, and two of the English, Mr Hatcher and Nye, made sail on Wednesday, the 30th day, the wind made no sooner ; but some eight days before, the English had dispatched a ketch, with a double of our covenant, which, when it came, was so well liked at London, that Friday the 1st of September, being sent to the assembly of divines, it was there allowed by all, only D. Burgess did doubt for one night. On Saturday it passed the House of Commons, on Monday the House of Peers. It seems to have been much facilitate by the flight of these Lords, who all this time were opposing to their power their junction with us, and all what might further their cause. After the taking of Bristol, they grew more bold ; and however they could not get the sending of commissioners to us hindered, yet when they were gone, they put on foot a new treaty of peace with the King. This proposition past the House of Peers and Commons both ; but the leading men made such a noise in the city, that the Mayor, on the Monday, with the best of the city-council, offered a very sharp petition to the contrary, which made, albeit with great difficulty, that conclusion be reversed till they heard some answer from us. To remedy this, the malignants stirred a multitude of women of the meaner and more infamous rank, to come to the door of both houses, and cry tumultuously for peace on any terms. This tumult could not be suppressed but by violence, and killing some three or four women, and hurting more of them, and imprisoning many. Hereupon the underdealing of some being palpable, before it brake out fully they stole away ; Holland, Bedford, Clare, Conway, Portland, Lovelace, and as they say, Salisbury and Northumberland. Some deny these two. Good had it been for the Parliament these had been gone long before. However, they were very well away at this time ; for their absence was a great further to the passing of our covenant in a legal way. There was, for a time, horrible fears and confusions in the city ; the King every where being victorious. In the Parliament and city a strong and insolent party for him. Essex much suspected, at least of non-fiance and misfortune ; his army, through sickness and runaways, brought to 4000 or 5000 men, and these much malecontented that their general and they should be misprised, and Waller immediately prized. He had lost his whole army, and occasioned the loss of Bristol. Surely it was a great act of faith in God, huge courage, and unheard of compassion, that moved our nation to hazard their own peace, and venture their lives and all, for to save a people so irrecoverably ruined both in their own and the world's eyes. Yet we trust the Lord of heaven will give success to our honest intentions : as yet all goes right. The city hath taken good order with itself. Beside the prisons on land, the most tumultuons they have sent out in two ships, to lie for a while at Gravesend. The King, thinking, at the first summons, to get Gloucester, and being refused, in a divine providence, was engaged to lie down before it ; where the unexpected courage, conduct and success of the besieged, has much weakened the King's army, and hath so encouraged the Parliament, that Essex, well refreshed and recruited, is marched with 12,000 foot and 2000 or 4000 horse towards Gloucester. It seems unavoidable, but

they must fight ere he return. From our commissioners yet we have heard nothing. We expect this 22d for Meldrum from them. Upon the certainty of that covenant's subscription by any considerable party there, and the provision of some money, we mind to turn us to God, by fasting and prayer, and to levy 22,000 foot and 4000 horse. General Lesly is chosen, and accepted his old charge. It is true he past many promises to the King, that he would no more fight in his contrary ; but, as he declares, it was with the express and necessary condition, that religion and the country's right were not in hazard ; as all indifferent men think now they are in a very evident one. As yet Almond is come no further than to serve for putting the country in arms for defence at home ; so the lieutenant-general's place is not as yet filled. Baillie also is much dependent on Hamilton, who as yet is somewhat ambiguous, suspected of all, loved of none ; but it is like he will be quiet. Dear Sandie, [Hamilton,] brother to the Earl of Haddington, hath accepted the general of artillery's place. Hume is general commissary. Many of our nobles are crownors for shires. Mr Walden hath seized on Berwick for the Parliament, whereupon Crouner Gray makes prey of the town's cattle, and Newcastle is sending down men and cannon to besiege it. Therefore our committee of estates dispatched Sinclair, and his three troops of new-levied horse, and 600 foot, to assist the securing of it. So the play is begun : the good Lord give it a happy end.—We had much need of your prayers. The Lord be with you. Your Cousin,

ROBERT BAILLIE.

### 3. Letter to Mr William Spang. November 17, 1643.\*

REVEREND AND BELOVED COUSIN,

I hope long ere now you received my long one, September 22d. What since has passed you shall here have account. Our commissioners came safe to London, were welcomed in the assembly by three harangues from D. Twisse, Mr Case, and D. Hoile. Before their coming, the covenant had passed, with some little alteration. This they took in evil part, that any letter should be changed without our advice ; but having a committee from both houses, and the assembly, of the most able and best-affected men, appointed to deal with them in that and all other affairs, we shortly were satisfied, finding all the alterations to be for the better. Being all agreed, as the assembly and House of Commons did swear and subscribe that covenant, the little House of Lords did delay, for sake of honour, as they said, till they found our nation willing to swear it as then it was formed. In this we gave great satisfaction ; for so soon as Mr Henderson's letters came to Mr R. Douglas, he conveyed the commissioners of the church, and the Chancellor, and the commissioners of the estate, who, after a day's deliberation, did heartily approve the alterations, as not materially differing from the form read in the assembly. So on Friday, in the new church, after a pertinent sermon of Mr Robert Douglas, the commissioners of state at one table, the commissioners of the church at another, the commissioners from the parliament and assembly of England at a third, did solemnly swear and subscribe, with great joy and many tears. Some eighteen of our Lords were present that day ; and copies were dispatched to the moderators of all our presbyteries, to cause read and expone that covenant the first Sunday after

\* Baillie's Letters, vol. i., p. 392.



their receipt, and the Sunday following to cause swear it by men and women, and all of understanding in every church of our land, and subscribe by the hand of all men who could write, and by the clerk of session in name of those who could not write, with certification of the church-censures, and confiscation of goods, presently to be inflicted on all refusers. With a marvellous unanimity was this every where received. A great many averse among us from this course, who bitterly spoke against our way every where, and none more than some of our friends; yet in God's great mercy all that yet I have heard of have taken this oath. Sundry things did much contribute to the running of it. It was drawn with such circumspection, that little scruple from any airth could be to any equitable. For the matter, the authority of a general assembly and convention of estates were great; the penalties set down in print before the covenant, and read with it, were great; the chief aim of it was for the propagation of our church-discipline in England and Ireland; the great good and honour of our nation; also the parliament's advantage at Gloucester and Newbury, but most of all the Irish cessation, made the minds of our people embrace that mean of safety: for when it was seen in print from Dublin, that in July his Majesty had sent a commission to Ormond, the judges, and committee there, to treat with these miscreants; that the dissenting commissioners were east in prison; that the agreement was proclaimed, accepting the sum of £300,000 sterling from these idolatrous butchers, and giving them, over the name of Roman-Catholic subjects now in arms, a sure peace for a year, with full power to bring in what men, arms, money they could from all the world, and to exterminate all who should not agree to that proclamation, we thought it clear that the Popish party was so far countenanced, as it was necessary for all Protestants to join more strictly for their safety; and that so much the more, as ambassadors from France were come both to England and us, with open threats of hostility from that crown. Our land now, I hope, in a happy time, hath entered, with fastings and prayer, in a league with England, without any opposition. His Majesty lets us alone; partly his distractions elsewhere, and most, as we think, his experience how bitter proclamations did more than calm us, only a letter came from him to the council, marvelling that in his name they had proclaimed an injunction for all to arm, and had entered in a covenant with his enemies, without his advice. An answer was returned in justification of both these actions. Hamilton, Roxburgh, Traquair, and others, had been advising what to do, as yet hitherto they have had no din, and we trust they shall not be able to make any party. However, we have laid in Stirling, for all accidents, some three troop of horse. All the shires are put under their crowners, captains, and commanders of war; but no men as yet are levied. The English are more unhappy oft in their delays. Meldrum was sent up with some articles to their parliament, agreed upon with their commissioners here; but he is not returned. We know the best of the English have very ill will to employ our aid, and the smallest hopes they got of subsisting by themselves makes them less fond of us. The march of Essex to Gloucester; his raising of that siege; his return to London, with some vantage at Newbury; Manchester's taking of Lynn; his clearing of Lincolnshire, with some prosperous skirmishes there; Newcastle's repulse from Hull, puts them in new thoughts; also their bygone great expences of

money, and the great charge which Essex, Waller, Manchester, Warwick, Fairfax, puts them to daily, makes it hard for them to get such sums of money as are needful for raising of our army; and most of all, as is surmised, the underhand dealing of some yet in their parliament, who have no will, that by our coming in, that business should be ended, lest their reign should too soon end. However, by lets open and secret, that help which we were very willing to have given, is not like in haste to be made need of; only Meldrum writes, that from twenty-eight parishes of London there is got now some £30,000, with which he is presently to come down. Mr Hatcher will follow with the rest that can be got. It is like, when any competent sum comes, that an army shall rise, and go towards Newcastle. There is lying some £100,000 worth of coals. It is hoped, albeit it be winter, and the town fortified, yet there cannot be great opposition; for Manchester and Fairfax, and the people of Lancashire, coming on the one side, we hope that our army, on the other, may come the better speed. The Irish cessation perplexes us. Our army there is very inconsiderable, some 3000 of hunger and cold-beaten soldiers, if ever were any, no duty at all has been done to them. The parliament's wants and negligence, and evil dealing of some, foolishly and most unjustly jealous of us, has well near starved these soldiers. If they run away, Ireland is lost; if they stay, they have all the English and Irish for enemies; yet, if they had money, they would, with God's help, keep Ulster against all. For to advise on this, Sir Henry Vane and Mr Marshall are gone to London; so only Sir William Armine stays here. If the Scots were away, it is feared that all Ireland should be ready to go upon England at a call. At last the assembly of divines have permission to fall on the question of church-government. What here they will do, I cannot say. Mr Henderson's hopes are not great of their conformity to us, before our army be in England. However, they have called earnestly once and again for Mr Rutherford and me. The commission has convened, and sent for us. We are thus far in our way to go abroad, God willing, one of these days. The weather is uncertain, the way dangerous, pirates and shoals no scant; yet trusting on God, we must not stand on any hazard to serve God and our country. Write none to me till you hear from me where I am. The ease of affairs is lamentable. Not the least appearance of peace. The anger of God burns like a fire, without relenting. Above 200,000 persons lost their lives by this war already. The hearts of both parties this day alike in courage. Besides bygone mischiefs, it is like the next spring, or before, a flood of strangers will rush in on England. Scots, Irish, French, Danes, and who not? There appears not any possible remedy, till God send the overture. How things go abroad, you will write to me more fully. Our negotiation at the court of France, it seems is miscarried. Lothian, with nothing done, is returned. He would not be dissuaded from going to Oxford; where we hear he is laid up, to our grief and irritation. A little Monsieur, some agent with letters from the Queen, has offered to our council the renovation of that league, whereof Lothian was treating; but requires us not to covenant with the parliament of England, and to annul the acts of our general assembly against the Papists in our Scottish regiments in France, to cause set the Earl of Antrim free. He stomachs that he has not a quick answer. The man seems to be of a small account. He is delayed till Lothian come. The friendship of the French was never much worth to us, and now we



regard it as little as ever. We shall do them no wrong; but if they will join against the Protestant cause, we must oppose them. A pity but your estates should regard more the safety of England, and of themselves, than hitherto they have done. We had a month ago a false alarm: it was probably informed, and certainly believed, that Prince Rupert was on our borders, with 20,000 horse and foot; that his cannon was at Morpeth; that our banders, then met at Kelso for the Lady Roxburgh's burial, were to join with him; that without impediment, they were to seize Edinburgh. Our council were at the point of putting up fire-beacons to call all the country to the border; yet some little time made us find it was but a mistake of some horse and foot of Colonel Gray's, to beware of our eruptions from Berwick. As yet no acts of hostility to count of are past.

4. *Excerpts from Principal Baillie's Account of the Westminster Assembly, December, 1643.\**

The like of that assembly I did never see, and, as we hear say, the like was never in England, nor any where is shortly like to be. They did sit in Henry VII.'s chapel, in the place of the convocation; but since the weather grew cold, they did go to Jerusalem chamber, a fair room in the abbey of Westminster, about the bounds of the college fore-hall, but wider at the one end nearest the door; and on both sides are stages of seats, as in the new assembly-house at Edinburgh, but not so high; for there will be room but for five or six score. At the upmost end there is a chair set on a frame, a foot from the earth, for the Mr Prolocutor Dr Twisse. Before it on the ground stands two chairs for the two Mr Assessors, Dr Burgess and Mr Whyte. Before these two chairs, through the length of the room, stands a table, at which sits the two scribes, Mr Byefield and Mr Roborough. The house is all well hung, and has a good fire, which is some dainties at London. Foreant the table, upon the prolocutor's right hand, there are three or four ranks of forms. On the lowest we five do sit. Upon the other, at our backs, the members of parliament deputed to the assembly. On the forms foreant us, on the prolocutor's left hand, going from the upper end of the house to the chimney, and at the other end of the house, and backside of the table, till it come about to our seats, are four or five stages of forms, whereupon their divines sit as they please; albeit commonly they keep the same place. From the chimney to the door there are no seats but a void for passage. The Lords of parliament use to sit on chairs, in that void, about the fire. We meet every day of the week except Saturday. We sit commonly from nine to two or three after noon. The prolocutor at the beginning and end has a short prayer. The man, as the world knows, is very learned in the questions he has studied, and very good, and beloved of all, and highly esteemed; but merely bookish, and not much, as it seems, acquainted with conceived prayer, among the unfittest of all the company for any action; so after the prayer he sits mute. It was the canny conveyance of these who guide most matters for their own interest to plant such a man of purpose in the chair. The one assessor, our good friend Dr Burgess, a very active and sharp man, supplies, so far as is decent, the prolocutor's place; the other, our good friend, Mr Whyte, has kept in of the gout since our coming. Ordinarily there will be present about three score

of their divines. These are divided in three committees; in one whereof every man is a member. No man is excluded who pleases to come to any of the three. Every committee, as the parliament gives order in writ to take any purpose to consideration, takes a portion, and in their afternoon-meeting prepares matters for the assembly, sets down their minds in distinct propositions, backs their propositions with texts of scripture. After the prayer, Mr Byefield the scribe reads the proposition and scriptures, whereupon the assembly debates in a most grave and orderly way. No man is called up to speak but who stands up of his own accord. He speaks so long as he will without interruption. If two or three stand up at once, then the divines confusedly call on his name whom they desire to hear first. On whom the loudest and maniest voices call, he speaks. No man speaks to any but to the prolocutor. They harangue long and very learnedly. They study the question well beforehand, and prepare their speeches; but withal the men are exceeding prompt, and well-spoken. I do marvel at the very accurate and extemporal replies that many of them usually make. When, upon every proposition by itself, and on every text of scripture that is brought to confirm it, every man who will has said his whole mind, and the replies, and duplies, and triplies, are heard; then the most part calls to the question. Byefield the scribe rises from the table, and comes to the prolocutor's chair, who, from the scribe's book, reads the proposition, and says, "As many as are in opinion that the question is well stated in the proposition, let them say I," [aye;] when I is heard, he says, "As many as think otherways say No." If the difference of I's and No's be clear, as usually it is, then the question is ordered by the scribes, and they go on to debate the first scripture alledged for proof of the proposition. If the sound of I and No be near equal, then says the prolocutor, "As many as say I, stand up;" while they stand, the scribe and others number them in their minds; when they are set down, the No's are bidden stand, and they likewise are numbered. This way is clear enough, and saves a great deal of time which we spend in reading our catalogue. When a question is once ordered, there is no more of that matter; but if a man will deviate, he is quickly taken up by Mr Assessor, or many others, confusedly erying, "Speak to order." No man contradicts another expressly by name, but most discreetly speaks to the prolocutor, and at most holds on the general, The Reverend brother who lately or last spoke on this hand, on that side, above or below. I thought meet once for all to give you a taste of the outward form of their assembly. They follow the way of their parliament. Much of their way is good, and worthy of our imitation; only their longsomeness is woful at this time, when their church and kingdom lie under a most lamentable anarchy and confusion. They see the hurt of their length, but cannot get it helped; for being to establish a new platform of worship and discipline to their nation for all time to come, they think they cannot be answerable, if solidly, and at leisure, they do not examine every point thereof.

When our commissioners came up, they were desired to sit as members of the assembly; but they wisely declined to do so: but since they came up as commissioners from our national church to treat for uniformity, they required to be dealt with in that capacity. They were willing, as private men, to sit in the assembly, and upon occasion to give their advice in points debated; but for the uniformity, they required a committee might be

\* Vide Baillie's Letters.



appointed from the parliament and assembly to treat with them thereanent. All these, after some harsh enough debates, were granted: so once a week, and whiles oftener, there is a committee of some Lords, Commons, and Divines, which meet with us anent our commission. To this committee a paper was given in by our brethren before we came, as an introduction to further treaty. According to it the assembly did debate, and agree anent the duty of pastors. At our first coming, we found them in a very sharp debate anent the office of doctors. The Independent men, whereof there are some ten or eleven in the synod, many of them very able men, as Thomas Goodwin, Nye, Burroughs, Bridges, Carter, Caryl, Phillips, Sterry, were for the divine institution of a doctor in every congregation as well as a pastor. To these the others were extremely opposite, and somewhat bitterly, pressing much the simple identity of pastors and doctors. Mr Henderson travelled betwixt them, and drew on a committee for accommodation; in the which we agreed unanimously upon some six propositions, wherein the absolute necessity of a doctor in every congregation, and his divine institution in formal terms, was eschewed; yet where two ministers can be had in one congregation, the one is allowed, according to his gift, to apply himself most to teaching, and the other to exhortation, according to the scriptures.

The next point, whereon we yet stiek, is ruling elders. Many a brave dispute have we had upon them these ten days. I profess my marvelling at the great learning, quickness, and eloquence, together with the great courtesy and discretion in speaking of these men. Sundry of the ablest were flat against the institution of any such officer by divine right, as Dr Smith, Dr Temple, Mr Gataker, Mr Vines, Mr Price, Mr Hall, and many more; besides the Independents, who truly speak much, and exceedingly well. The most of the synod were in our opinion, and reasoned bravely for it; such as, Mr Seaman, Mr Walker, Mr Marshall, Mr Neweoman, Mr Young, Mr Calamy. Sundry times Mr Henderson, Mr Rutherford, Mr Gillespie, all three, spoke exceedingly well. When all were tired, it came to the question. There was no doubt but we would have carried it by far most voices; yet because the opposites were men very considerable, above all gracious and learned little Palmer, we agreed upon a committee to satisfy, if it were possible, the dissenters: for this end we met to-day; and I hope, ere all be done, we shall agree. All of them were willing to admit elders in a prudential way; but this to us seemed most dangerous and unhappy, and therefore was most peremptorily rejected. We trust to carry at last, with the contentment of sundry once opposite, and silence of all, their divine and scriptural institution. This is a point of high consequence; and upon no other we expect so great difficulty, except alone on Independency; where-with we purpose not to meddle in haste, till it please God to advance our army, which we expect will much assist our arguments. However, we are not desperate of some accommodation; for Goodwin, Burroughs, and Bridges, are men full, as it seems yet, of grace and modesty; if they shall prove otherwise, the body of the assembly and parliament, city and country, will disclaim them.

The other day a number of the city and country ministers gave in an earnest and well-penned supplication to the assembly, regretting the lamentable confusion of their church under the present anarchy; the increase of Anabaptists, Antinomians, and other sectaries; the boldness of some in the city, and

about, in gathering separate congregations; requesting the assembly's intercession with the parliament for the redress of those evils; and withal for the erection at London, during the time of these troubles, of a college for the youth, whose studies are interrupted at Oxford. This was well taken by the assembly. The parliament promised their best endeavours for all. John Goodwin, accused by Mr Walker and D. Homes of Socinianism, and others, are appointed to be admonished for essaying to gather congregations. The parliament the other day became sensible of their too long neglect of writing to the churches abroad of their condition; so it was the matter of our great committee to draw up letters in name of the assembly for the Protestant churches. The drawing of them was committed to Palmer, who yet is upon them. There is a little committee also, which meets in the assembly house almost every morning, for the trial of expectants; and when they have heard them preach, and posed them with questions, they give in to the assembly a certificate of their qualifications: upon the which they are sent to supply vacant churches, but without ordination, till some government be erected in their desolate churches. Plundered ministers are appointed, by order of parliament, to be put in all vacant places in the city and country, in their obedience, till they all be provided. Concerning the affairs of the church, I need say no more at this time.

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In our assembly, thanks to God, there is great love and union hitherto, and great appearance of more before long. We have, after many days debate, agreed, *nemine contradicente*, that beside ministers of the word, there are other ecclesiastical governors to join with the ministers of the word in the government of the church; that such are agreeable unto, and warranted by the word of God, especially Rom. xii. 8.; 1 Cor. xii. 28. How many and how learned debates we had on these things in twelve or thirteen sessions, from nine to half-two, it were long to relate. None in all the company did reason more, and more pertinently, than Mr Gillespie. That is an excellent youth; my heart blesses God in his behalf. For Mr Henderson and Mr Rutherford, all the world knows their graces. This day the office of deacon is concluded from the 6th of the Acts. There will be some debate of the perpetuity of his office, and the necessity of it in some cases, as where they are poor, and where the magistrate provides for them; but that will not much trouble us. In the great committee, this afternoon, we have finally agreed on the draught of a letter for the churches abroad, to inform them of our condition, which you may see in print. Also we have begun an business (very handsomely I trust) of great consequence. In the time of this anarchy, the divisions of people does much increase: the Independent party grows; but the Anabaptists more; and the Antinomians most. The Independents being most able men, and of great credit, fearing no less than banishment from their native country if presbyteries were erected, are watchful that no conclusion be taken for their prejudice. It was my advice, which Mr Henderson presently applauded, and gave me thanks for it, to eschew a public rupture with the Independents, till we were more able for them. As yet a presbytery to this people is conceived to be a strange monster. It was our good therefore to go hand in hand, so far as we did agree, against the common enemy; hoping that in our differences, when we behoved to come to them, God would give us light; in the meantime,



we would essay to agree upon the directory of worship, wherein we expect no small help from these men to abolish the great idol of England, the service-book, and to erect in all the parts of worship a full conformity to Scotland in all things worthy to be spoken of. Having proponed thir motions in the ears of some of the chief of the assembly and parliament, but in a tacit way, they were well taken; and this day, as we resolved, were proponed by Mr Solicitor, seconded by Sir Henry Vane, my Lords Sey and Wharton, at our committee, and assented to by all; that a sub-committee of five, without exclusion of any of the committee, shall meet with us of Scotland, for preparing a Directory of Worship, to be communicate to the great committee, and by them to the assembly. The men also were as we had forethought, Mr Marshall chairman of the committee, Mr Palmer, Mr Goodwin, Mr Young, Mr Herle, any two whereof, with two of us, make a quorum: for this good beginning we are very glad. Also there is a paper drawn up by Mr Marshall, in the name of the chief men of the assembly, and the chief of the Independents, to be communicate on Monday to the assembly, and by their advice to be published, declaring the assembly's mind to settle, with what speed is possible, all the questions needful about religion; to reform, according to the word of God, all abuses; and to give to every congregation a person, as their due: whereupon loving and pithy exhortations are framed to the people, in the name of the men who are of the greatest credit, to wait patiently for the assembly's mind, and to give over that most unseasonable purpose of their own reformatiōns, and gathering of congregations; but good is expected from this mean. Farther, ways are in hand, which, if God bless, the Independents will either come to us, or have very few to follow them. As for the other sects, wise men are in opinion, that God's favour in this assembly will make them evanish. We had great need of your prayers. On Wednesday Mr Pym was carried from his house to Westminster, on the shoulders, as the fashion is, of the chief men in the lower house, all the house going in procession before him, and before them the assembly of divines. Marshall had a most eloquent and pertinent funeral-sermon; which we would not hear; for funeral-sermons we must have away, with the rest. The parliament has ordered to pay his debt, and to build him, in the chapel of Henry VII., a stately monument.

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The affairs of church and state here since my last, so far as we of the vulgar sort do hear, have thus proceeded. After that with great and long debates we had gotten well near unanimously concluded all we desired about pastors, doctors, elders, and deacons, we spent two or three sessions upon widows; not that we needed to stay so long on that subject, but partly because every thing that comes to the assembly must be debated, and none of the debates are short; and partly because the committee had prepared no other matter to count of for the assembly to treat on. Sundry things were in hands, but nothing in readiness to come in publick; for this reason, among others, many were the more willing to have the assembly adjourned for the holidays of Zuil, much against our minds. On the Friday I moved Mr Henderson to go to the assembly; for else he purposed to have staid at home that day; that as all of us stoutly had preached against their Christmas, so in private we might solicit our acquaintance of the assembly, and speak something of it in publick; that for the discounten-

ancing of that superstition, it were good the assembly should not adjourn, but sit on Monday, their Christmas day. We found sundry willing to follow our advice, but the most resolved to preach that day, till the parliament should reform it in an orderly way; so, to our small contentment, the assembly was adjourned from Friday till Thursday next: yet we prevailed with our friends of the lower house to carry it so in parliament, that both houses did profane that holy day, by sitting on it, to our joy, and some of the assembly's shame. On Wednesday we kept the solemn fast. Mr Henderson did preach to the House of Commons a most gracious, wise, and learned sermon, which you will see in print. Mr Rutherford is desired by them to preach the next fast-day.

One of the committee-matters is the Psalter. An old most honest member of the House of Commons, Mr Rous, has helped the old Psalter, in the most places faulty. His friends are very pressing in the assembly that his book may be examined, and helped by the author in what places it should be found meet, and then be commended to the parliament, that they may enjoin the publick use of it. One of their considerations is, the great private advantage which would by this book come to their friend: but many do oppose the motion; the most, because the work is not so well done as they think it might. Mr Nye spake much against a tye to any Psalter, and something against the singing of paraphrases, as of preaching of homilies. We underhand will mightily oppose it; for the Psalter is a great part of our uniformity, which we cannot let pass till our church be well advised with it. I wish I had Rowallan's Psalter here; for I like it much better than any yet I have seen. We had great and sharp debates about the paper I wrote of before. Mr Marshall, with a smooth speech, made way for it, and got it read once and again; but several spake much against sundry expressions of it, as giving too much countenance to those who had gathered congregations, and favour more than needed to the Independents; but they did avow, that they were much thereby prejudged, and were most willing to suppress the paper, and would by no means consent to the alteration of any one word of it. I truly wish it had never been moved; for I expect more evil to our cause from it than good: yet since it was moved so much in publick, if it had been rejected, it would certainly have made a greater heartburning among the dissenting brethren than yet had appeared: so at last it passed with the assembly's allowance; but without voicing. You may see it now in print. What fruits it shall produce, we know not; only, a day or two thereafter, some of the Anabaptists came to the assembly's scribes with a letter, inveighing against our covenant, and carrying with them a printed sheet of admonitions to the assembly from an old English Anabaptist at Amsterdam, to give a full liberty of conscience to all sects, and to beware of keeping any Sabbath, and such like. The scribe offered to read all in the assembly. Here rose a quick enough debate. Goodwin, Nye, and their party, by all means pressing the neglect, contempt, and suppression of all such fantastick papers; others were as vehement for the taking notice of them, that the parliament might be acquaint therewith, to see to the remedy of these dangerous sects. The matter was left to be considered as the committees should think fit; but many marvelled at Goodwin and Nye's vehemency in that matter. Yet the day following their passion gave greater offence. We were called out before twelve to dine with old Sir Henry Vane. Dr Twisse



was absent that day. Dr Burgess fell to be in the chair that day. The question came, What should follow the widows? There were left some branches of the apostles and evangelists duties yet undiscussed. We thought these questions needless, and wished they had been passed; but sundry by all means would have them in, of design to have the dependency of particular congregations from the apostles in matters of ordination and jurisdiction determined. The Independents, foreseeing the prejudice such a determination might bring to their cause, by all means strove to decline that dispute; as indeed it was marked by all, that to the uttermost of their power hitherto they have studied procrastination of all things, finding that by time they gained. We indeed did not much care for delays, till the breath of our army might blow upon us some more favour and strength. However that day, we being gone, the one party pressing the debate of the apostles power over congregations, the other sharply declining, there fell in betwixt Goodwin and Burgess hotter words than were expected from Goodwin. Mr Marshall composed all so well as he could. Mens humours, opinions, engagements, are so far different, that I am afraid for the issue. We doubt not to carry all in the assembly and parliament clearly according to our mind; but if we carry not the Independents with us, there will be ground laid for a very troublesome schism. Always it is our care to use our utmost endeavours to prevent that dangerous evil; and in this our purpose, above any other, we had need of the help of our prayers.

We had, as I wrote, obtained a subcommittee of five to join with us for preparing to the great committee some materials for a directory. At our first meeting, for the first hour, we made pretty progress, to see what should be the work of an ordinary Sabbath, separate from fasts, communions, baptisms, marriage. Here came the first question, about readers. The assembly had passed a vote before we came, That it is a part of the pastor's office to read the scriptures: what help he may have herein by these who are not pastors, it is not yet agitated. Always these of best note about London are now in use, in the desk, to pray, and read in the Sunday morning four chapters, and expone some of them, and cause sing two psalms, and then to go to the pulpit to preach. We are not against the minister's reading and expounding when he does not preach: we fear it put preaching in a more narrow and discreditable room than we could wish, if all this work be laid on the minister before he preach. My overture was, to pass over that block in the beginning, and all other matter of great debate, till we have gone over these things wherein we did agree. This was followed. So, beginning with the pastor in the pulpit, and leaving till afterwards how families should be prepared in private for the work of the Sabbath, and what should be their exercise before the pastor came to the pulpit, our first question was about the preface before prayer. As for the minister's bowing in the pulpit, we did misken it; for, besides the Independents vehemency against it, there is no such custom here used by any: so we thought it unseasonable to move it in the very entry, but minds in due time to do the best for it we may. A long debate we had about the convenience of prefacing, yet at last we agreed on the expediency of it. We were next settling on the manner of the prayer, if it were good to have two prayers, as we use, before sermon; or but one, as they use: if in that first prayer it were meet to take in the king, church, and sick, as they do; or

leave these to the last prayers, as we. While we are sweetly debating on these things, in came Mr Goodwin, who incourtinent essayed to turn all upside down, to reason against all directories, and our very first grounds; also that all prefacing was unlawful; that, according to 1 Tim. ii. 1. it was necessary to begin with prayer, and that in our first prayer we behoved to pray for the king. All these our debates, private and publick, I have in writ: at meeting you shall have any of them you will. The most of all the assembly write, as also all the people almost, men, women, and children, write at preaching. That day God opened my mouth somewhat to my own contentment, to Goodwin's new motions; I thought I got good new extemporal answers; however, he troubled us so, that after long debates we could conclude nothing. For the help of this evil, we thought it best to speak with him in private; so we invited him to dinner, and spent an afternoon with him very sweetly. It were a thousand pities of that man; he is of many excellent parts. I hope God will not permit him to go on to lead a faction for renting of the kirk. We and he seemed to agree pretty well in the most things of the directory. Always how all will be, I cannot yet say; but with the next you will hear more; for we now resolve to use all means to be at some point. Our letter to foreign churches, formed by Mr Marshall, except some clauses belonging to us put in by Mr Henderson, is now turned into Latin by Mr Arrowsmith, (a man with a glass eye, in place of that which was put out by an arrow,) a learned divine, on whom the assembly put the writing against the Antinomians. Mr Rutherford's other large book against the Independents is in the press, and will do good. I am glad my piece is yet in; for if need be to put it out, I can make it much better than it was. Thus much for our church-affairs which most concern us.

*To Scotland. February 18, 1644.*—Since my last, January 1st, affairs there had this progress, so far as I understand. The assembly having past, albeit with long debate, yet with reasonable good accord in the end, sundry conclusions, according to our mind, anent all the officers of the church severally; before they entered on their duties, as conjoined in sessions, presbyteries, and synods, for ordination and jurisdiction, they thought meet to consider some things further in the officers, both extraordinary and ordinary, some moe characters of the apostles, their power to ordain officers in all congregations, their power to send out evangelists to ordain any where, their power to decide all questions either of doctrine or fact by word or writ. After much debate arising from mere jealousies, that these things were brought in for prejudice and far ends, at last there was agreeance, while the 14th of Acts, 23d verse, was brought for a proof of the apostles power of ordination, and was going to be voiced. Very learned and acute Mr Gillespie, a singular ornament of our church, than whom not one in the whole assembly speaks to better purpose, and with better acceptance by all the hearers, advertised, that the word *χειροτονουσαντες*, of purpose by the Episcopal translators turned *ordaining*, was truly *chusing*, importing the people's suffrages in electing their officers. Hence arose a tough debate, that took up two whole sessions. Mr Henderson's overture ended the plea; for granting, that in the latter part of the verse, the apostles praying and fasting might import their imposition of hands and ordaining, he advised to put the proof on the whole verse, and not on any part, with an express declaration of the assembly's sense and intention not to prejudice any argument



which in due time might be alledged out of this place, either for popular election or against it. In the debating of a proposition, anent the pastor's power to judge who was meet to be admitted to the table, and who to be excluded, and who to be excommunicated, there were sundry weighty questions stated, especially that of excommunication, by Mr Selden; avowing, with Erastus, that there was no such censure in scripture, and what it was, was merely civil: also that of suspension from the sacrament, the Independents denying the lawfulness of all such censures; these were remitted to their own place. And at last the committee gave in their propositions anent ordination: 1st, That it was a solemn designation of persons for church-officers; the next, That it was always to be continued in the church; the 3d, who were to ordain; the 4th, who to be ordained; the 5th, what rites and actions to be used in ordination. Upon the first two, and their scripture-probations, after two, or three, or four sessions debates, there was a reasonable good accord; but in our last three will be our great controversy. The good God grant us to agree to the truth in them. To-day the debate will begin. The Independents, holding off with long weapons, and debating all things too prolixly which come within twenty miles of their quarters, were taken up sundry times, somewhat sharply, both by divines and parliament-men; to whom their replies ever were quick and high, at will. At last, foreseeing that they behaved, ere long, to come to the point, they put out in print, on a sudden, an apologetical narration of their way, which long had lien ready beside them, wherein they petition the parliament, in a most sly and cunning way, for a toleration, and withal lend too bold wibes to all the Reformed churches, as imperfect yet in their reformation, while their new model be embraced, which they set out so well as they are able. This piece abruptly they presented to the assembly, giving to every member a copy: also, they gave books to some of either House. That same day they invited us, and some principal men of the assembly, to a very great feast, when we had not read their book, so no word of that matter was betwixt us; but so soon as we looked on it, we were mightily displeased therewith, and so were the most of the assembly, and we found a necessity to answer it, for the vindication of our church from their aspersions. What both we and others shall reply, ye will hear ere long in print. The thing in itself coming out at this time, was very apt to have kindled a fire, and it seems both the devil and some men intended it, to contribute to the very wicked plot, at that same instant a-working, but shortly after discovered almost miraculously. Yet God, who overpowers both devils and men, I hope shall turn that engine upon the face of its crafty contrivers, and make it advantageous for our cause.

The other day, his Excellence, my Lord Essex, came to the assembly, with the warrant of both Houses to sit as a member; where, after he had given his oath, as the form is, to propone or consent to nothing but what he was persuaded was according to the word of God, he was welcomed by a harangue from the prolocutor. We had so contrived it with my Lord Wharton, that the Lords that day did petition the assembly, they might have one of the divines to attend their House for a week, as it came about, to pray to God with them. Some days thereafter the Lower House petitioned for the same. Both their desires were gladly granted; for by this means the relicks of the service-book, which till then was every day used in both Houses, are at

last banished. Paul's and Westminster are purged of their images, organs, and all which gave offence. My Lord Manchester made two fair bonfires of such trinkets at Cambridge. We had two or three committees for settling orders to have our covenant received universally in all the country, also for sending it, with a large narration of our condition in Latin, to the churches abroad; all which will come abroad in print. Being wearied with the length of their proceedings, and foreseeing an appearance of a breach with the Independents, we used all the means we could, while the weather was fair, to put them to the spurs. After privy conference with the special men, we moved, in publick, to have an answer to our paper, anent the officers of the church, and assemblies thereof, that we might give account to our church of our diligence. We were referred, as we had contrived it, to the graud committee, to give in to it what further papers we thought meet, which the assembly should take to their consideration. They were very earnest to have us present at their committees, where all their propositions, which the assembly debated, were framed. This we shifted, as too burdensome, and unfitting our place; but we thought it better to give in our papers to the great committee appointed to treat with us: so we are preparing for them the grounds of our assemblies and presbyteries. Also we wrote a common letter to the commission of our church, desiring a letter from them to us for putting us to more speed, in such terms as we might show it to the assembly. Likewise we pressed the sub-committee to go on in the directory. At that meeting Mr Goodwin brought Mr Nye with him; which we thought an impudent intrusion; but took no notice of it. After that all we had done had been ransversed, we had so contrived it, that it was laid, by all, upon us to present, at the next meeting, the matter of all the prayers of the Sabbath-day. This, with much labour, we drew up, and gave in at the third meeting; whereupon as yet they are considering. By this means, ye may perceive, that though our progress be small, yet our endeavours are to the uttermost of our strength. These things must be more advanced by your prayers, than by our pains; else they will stick, and lets will be insuperable.

Great longing is for the news of the Scots. We have got no letters since the 12th of December; so great a care have you of our information. It is reported here, that on Wednesday last, the Scots army entered Newcastle without blood. If that be, it is a great mercy of God, and of huge consequence; but now of a long time we have been beaten with so many divers reports, that we believe nothing, and marvel, that for so long a time we have no certainty at all either of the condition of that army or of our nation. Thursday's ceremony was performed very solemnly. After Marshall's sermon, now in print, the procession went a very long way, from Christ's church to Taylor's hall. The trained bands in arms on each side of the whole streets; the Common Council in their gowns marching; first the Mayor and Aldermen in their scarlet gowns on horseback; after them the General, Admiral, and the rest of the Lords, and officers of the armies, on foot; next to them the House of Commons, with their Speaker, and his mace before him; after the assembly of divines. It was appointed that we should go betwixt the assembly and the House of Commons; but my Lord Maitland being drawn away with the Lords, and we not loving to take place before all the divines of England, stole away to our coach; and when there was no way for



coaches, for throng of people, we went on foot, with great difficulty, through huge crowdings of people. While all passed through Cheapside, there was a great bonfire kindled, where the rich cross went to stand, of many fine pictures of Christ and the saints, of relics, beads, and such trinkets. The feast was great, valued at £4000 Sterling; yet had no desert, nor musick, but drums and trumpets. In the great laigh hall were four tables for the Lords and Commons. The Mayor at the head of the chief in an upper room. Two long tables for the divines; at the head of the which we were set, with their prolocutor. All was concluded with a psalm, whereof Dr Burgess read the line. There was no excess in any we heard of. The Speaker of the House of Commons drank to the Lords in name of all the Commons of England. The Lords stood all up, every one with his glass, for they represent none but themselves, and drunk to the Commons. The Mayor drank to both, in name of the city. The sword-bearer, with his strong cap of maintenance still fixed on his head, came to us with the Mayor's drink. This ceremony was a fair demonstration of the great unanimity of all these whom Oxford plot would have divided. Yet we wish the union in reality had been as great as it was in shew. Within a few days we found, that all plots were not at an end; but the jealousies betwixt the Houses were like to break out more than ever; which God, I hope, now has also composed.

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Upon Saturday the House of Lords sent to us in the assembly an account of another plot from Oxford, to this purpose. Captain Ogle, some six weeks ago prisoner, propones to his keeper, Devonish, a purpose he had to draw the Independents, and all these who were like to be grieved with the Scots presbytery, to compound with the King. For this effect, the keeper, a subtle knave, colluded with him. By the General's permission, Ogle got leave to speak with Mr Nye and Mr Goodwin, who were desired to hear his propositions, and seem to consent to them. The design is communicated to Bristol; who heartily embraced it, and, according to Ogle's desire, sends him £100, and a warrant to his keeper under the King's hand for his freedom. Being dismissed, and come to Oxford, he is made one of the gentlemen-pensioners; and fills all Oxford with hopes, that the Independents, Brownists, and the like, would all compone. Bristol, under his hand, gives them a full assurance of so full a liberty of their conscience as they could wish, inveighing withal against the Scots cruel invasion, and the tyranny of our Presbytery, equal to the Spanish inquisition. It were longsome to write all the story, wherewith we were acquainted in great secrecy, foot by foot, as it proceeded.

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So soon as Monday last, Mr Cheesly\* made his report to the House of Commons, what he had seen in our army, which he had left the Wednesday before. All his relation was put in print, and £100 Ster. appointed him for his good news. The joint declaration of both kingdoms, which he brought, passed presently both Houses. These things were brought in a very important nick of time, by God's gracious providence. Never a more quick passage, from Holy Island to Yarmouth in thirty hours; they had not cast anchor half an hour before the wind turned contrary. Mr Cheesly had no sooner made his report, when, I think, within few hours,

a trumpet from Oxford brought to the General a large parchment, directed only to the Earl of Essex, subscribed by Charles, P. York, and Cumberland, (Prince Rupert is now Duke of Cumberland,) with the hands of some forty Lords more, and a number of Commons, now at Oxford, who have deserted or been expelled the House of Westminster; speaking much to the praise of the King, and danger of our invasion; conjuring Essex to draw these who intrusted him (no word of the houses of parliament) to begin a treaty of peace. This is the upshot of their long plots; and truly, if it had come a little before Mr Cheesly, when none here had great hopes of the Scots army, it might have brangled this weak people, and the strong lurking party might have been able to have begun a treaty without us, which would have undone all. The certainty of our army's coming made the Oxford parchment unseasonable. For answer, Essex sent the joint declaration of both kingdoms, which will be a very comfortless morsel at Oxford, being backed with yesternight's news, whereof the General assured us of the total rout of the Irish army, at Nantwich, by Sir Thomas Fairfax, the killing of many, the taking of 1700 prisoners, five colonels, and Major-General Gibson, with a great number of officers, all their cannon and baggage. This victory is of great consequence many ways. We hope it will encourage a party at Oxford, in their design of purging the court of Cottington, Digby, Bristol, Jernyn, and the like.

Manchester, in our synod, in the name of the Lords, did move to expedite the point of ordination, that so gracious youths who so long have expected, may be admitted. A committee drew up two propositions for that end: 1. That in extraordinary cases something extraordinary might be done, keeping always so near to the rule as may be; 2. That for the present necessity, the ministers of London may be appointed by the houses of parliament to ordain ministers for London. The Independents, do what we are all able, have kept us debating these fourteen days on these two propositions; but little to their advantage; for I hope this day shall conclude the propositions: and now all the world proclaims in their faces, that they, and they only, have been the retarders of the assembly, to the evident hazard of the church's safety, which will not be much longer suffered. Canterbury every week is before the Lords for his trial; but we have so much to do, and he is a person now so contemptible, that we take no notice of his process.

January 3. The bearer's much longer stay for a ship than I expected, will make these letters come very late. Since, there has been but small progress in affairs. After our fourteen days debate for a present way of ordination, upon the desire of the Lords in this extraordinary necessity, when we were ready to conclude it, upon my Lord Scy's harangue and vehement desire, it was laid aside; and upon hope made by him and his followers of the quick dispatch of the ordinary way, we fell on the long-wished-for subject of the presbytery; whereupon we have been skirmishing ever since. The proposition we stick on is, That no particular congregation may be under the government of one classical presbytery. The Independents agree for the negative; but fluding, that all they brought yet was but vellications on quiddities, the most was impatient of their ways; so much the more, as this day being pressed to answer to the scriptures, which the committee had given in for the affirmation, they were obstinate to end first their negative. They promised at last to come to their scriptural objections; but would not name their scriptures

\* Mr Cheesly, afterwards Sir John Cheesly, was Mr Henderson's servant.



beforehand. By this the most took them rather to seek vantage and victory, than the truth in so ingenious a way as they professed. However, the matter cannot take long debate. The heat and clamorous confusion of this assembly is often times greater than with us. The reason, I think, is their way, both in assembly and parliament, to divest the speaker and prolocutor of all authority, and turn them to a very aud mere chair, as they call them. Wo mind yet again to essay the Independents in a privy conference, if we can draw them to a reasonable accommodation; for to that toleration they aim at we cannot consent. In the committee for the directory, we gave in the matter of publick prayer. It was taken well by all the committee, and I hope shall pass. It was laid on to draw up a directory for both sacraments; on Mr Marshall for preaching; on Mr Palmer for catechising; on Mr Young for reading of scriptures, and singing of psalms; on Mr Goodwin and Mr Herle for fasting and thanksgiving. Had not the debate upon the main point of differing, (the presbytery,) withdrawn all our minds, before this these tasks had been ended. However, we expect, by God's grace, shortly to end these. What is behind in the directory, will all be committed the next time to the forenamed hands; and if it had passed these, we apprehend no great difficulty in its passing the great committee, the assembly, and parliament. We get good help in our assembly-debates of my Lord Wariston; but of none more than of that noble youth Mr Gillespie. I truly admire his faculty, and bless God, as for all my colleagues, so for him in that faculty with the first of the whole assembly. The Anabaptists and Antinomians increase; which yet cannot be helped.

Montrose has contrived a wicked band and oath, against all who have taken the covenant, for the assistance of England, as traitors, which, we hear, Kinnoul, Traquair, and others, have refused, with disdain. However, ye would look to yourselves, and know well whom you trust. Yet we hope in our God that our army in England shall break the neck of all these wicked designs. The good party here were neither very able nor willing to move much till our state-commissioners came. At their first coming, they drew the form of an ordinance, whereby seven Lords and fourteen Commons, should join with our four commissioners, whereof five should make a quorum, viz. one Lord, two Commons, two Scots, for giving of counsel, for ordering and directing the armies in the three kingdoms for the ends expressed in the covenant. When we had agreed with Sir Harry Vane and the Solicitor, upon the draught, it was gotten through the House of Lords with little difficulty, where most was expected; my Lord Sey, upon new occurrences, being somewhat of the general; my Lord Northumberland joining effectually with all our desires, our army being now masters of his lands; also Stapleton being put on the committee, and desirous to be sent to salute our army. Hollis, Clotworthy, and others, were put off it; so a great business was made on it: yet it was carried over the belly of the opposers. But they turned themselves about another way, and wrought on the facility of the General, deaving him with demonstrations of his limitation and degradation by this committee; that it made void the close committee of safety; it took the power to manage the war, to do all; which was to infringe his commission, subjecting him only to the two Houses, and no committee from them. Hereupon the House of Lords alters, and puts other

six Lords, and twelve Commons to the former, limits the committee's power to advising and consulting, makes the English quorum to consist of three Lords and six Commons. Upon this demur we gave a short and sharp enough paper to both Houses, to be at a point, if they thought meet to make any use of our committee, which so oft and so earnestly they had sought for. It was so guided, that the Commons unanimously agreed to the former ordinance, and required the Lords to stand to their own hazard. This day the Lords have well near agreed to the former ordinance. If this were past, we look for a new life and vigour in all affairs, especially if it please God to send a sweet north wind, carrying the certain news of the taking of Newcastle, which we daily expect. By all this you see what great need we have all of your effectual prayers. How great things are presently in hand! the highest affairs both of church and state being now in agitation, the diligence and power both of devils, and all kind of human enemies, being in their extreme bent-sail of opposition, either now or never to overthrow us, so much the more should your courage be to pray; as I persuade you the former supplications are all turned in sensible blessings on us; all here, as in body and mind, praise to his name, being supported to this day, as you do wish; which we truly ascribe in a good part to your intercession, which we intreat may continue and increase, especially for assistance to me in preaching the last Wednesday of this month before the House of Commons in the fast-day. This is all, but yet a great recompence, which I require of you for my long letters in a time not of much leisure. The Lord give an happy and quick end to all these confusions, and settle again these poor churches and kingdoms in truth and justice.

Since the closing of my last, the hard and great business of the joint committee is happily concluded, fully according to our mind, praised be God; for once we were in great fear of its miscarriage, and of the dividing of the one House from the other upon it. They began to sit yesterday: and are appointed to sit every day at three o'clock, and oftener on occasion: henceforth we expect expedition.

It is said, these of Oxford are so far fallen, as to acknowledge the parliament at Westminster, and to put down Episcopacy, and to disclaim the cessation of Ireland. If our march to Newcastle has produced this much, I hope our taking of it shall obtain the rest. I hope our synod-affairs shall have a more speedy dispatch. A course will be shortly taken with all sectaries, and is begun already. The misorders which are at this time in New England, will make the Independents more willing to accommodate and comply with us. Praise to God we all are well, chearful, and hopeful, by your prayers, to see the advancement of a glorious work here.

*To Mr William Spang.*

You have a large report from me, how all went here to the 18th of February. My leisure since has been but small; and as yet I have no time. Only know, that your letters to us were exceeding welcome; and for your good service to God, and us, in due time, you shall receive thanks. My nephew is gone home, with his most loving remembrance of your great kindness. The other day some of the Dutch church came to the assembly-door, and delivered a letter to us, from the classes of Wallachren. It was publicly read, and taken with a great deal of respect. It came wonderful opportunely, and will do a great deal of good. The long and sharp



censure of the apologetick narration was very well received by all, but the parties, who yet were altogether silent, and durst not oppose one word. A committee was presently appointed for translating it into English, and transmitting it, to be read, to both houses of parliament, both in Latin and English. What there it may work, you shall hear in time. It spoke so near to the mind and words of the Scots, that some said it savoured of them; but when some such muttering was brought to the face of the assembly, all did deny they knew any author of such a speech; so, no man avowing it, the Scots let such a calumny pass, without any apology. I believe they wished, and thought it just, that all the Reformed churches should do all which the divines of Wallachren hath, in the defence of the cause of God, and all the Reformed churches, against common and very dangerous adversaries. But I heard them say, in private, that they had no correspondence at all with any foreign churches; it might be that some of them had sometimes letters from the minister of the Scots staple at Campvere, but that none of them had sent him either the apologetical narration, or so much as our answer to it; that they had never motioned any censure of that book by the foreign divines. However, in the good providence of God, that letter came. It is expected the synod of Zeeland will not only avow what their brethren have written, but will give their brotherly advice to this synod, anent all the things in hand; which I assure you will be very well taken, and do much good; especially, if with their serious dissuasive from Independency, and cordial exhortation to erect presbyteries and synods, they join their counsels for abolishing the reliicks of Romish superstition, in their festival days and liturgy, &c., and, above all, to beware of any toleration of sects, wherein you are an evil and dangerous example. If you assist us at this time, God may make us helpful to you another day. Farewell. March 10th.

*April 2, 1644.*—Since the 18th of February, till now, I have so little leisure, especially by my preparing and preaching my parliament-sermon, wherein, praised be God, I was graciously assisted, that I could not attend the writing of any long letter; but now, that task being off my hand, I may better wait on my friends. I shewed, in my last, how we were brought, in our assembly, to our chief question, That many particular congregations were under the government of one presbytery. The Independents pressed they might first be heard in the negative. Here they spent to us many of twenty long sessions. Goodwin took most of the speech upon him; yet they divided their arguments among them, and gave the managing of them by turns, to Bridges, Burroughs, Nye, Simpson, and Caryl. Truly, if the cause were good, the men have plenty of learning, wit, eloquence, and, above all, boldness and stiffness, to make it out; but when they had wearied themselves, and overwearied us all, we found the most they had to say against the presbytery, was but curious idle niceties; yea, that all they could bring was no ways concluding. Every one of their arguments, when it had been pressed to the full, in one whole session, and sometimes in two or three, were voided, and found to be light, unanimously by all but themselves. By this means their credit did much fall in the city, who understood daily all we did, and found these men had got much more than fair play, a more free liberty than any innovators ever in any assembly, to reason their cause to the bottom; but farther in the country, who knew not the manner of our proceedings, their emissaries filled the ears of the people, that the assembly did cry

down the truth with votes, and was but an Antichristian meeting, which would erect a presbytery worse than bishops.

For to remeid these evils, and to satisfy the minds of all, we thought meet to essay how far we could draw them in a private friendly way of accommodation; but Satan, the father of discord, had well near crushed that motion in the very beginning. After our first meeting, with some three of the assembly, Marshall, Palmer, Vines, and three of them, Goodwin, Burroughs, Bridges, with my Lord Wharton, Sir Harry Vane, and the Solicitor, in our house, and very fair appearances of pretty agreement, Mr Nye was like to spoil all our play. When it came to his turn in the assembly to opugn the presbytery, he had, from Matth. xviii. drawn in a crooked unformal way, which he never could get in a syllogism, the inconsistency of a presbytery with a civil state. In this he was cried down as impertinent. The day following, when he saw the assembly full of the prime nobles and chief members of both Houses, he did fall on that argument again, and very boldly offered to demonstrate, that our way of drawing a whole kingdom under one national assembly, is formidable; yea, three over pernicious to civil states and kingdoms. All cried him down, and some would have had him expelled the assembly as seditious. Mr Henderson showed, he spoke against the government of ours, and all the Reformed churches, as Lucian and the Pagans wont to stir up princes and states against the Christian religion. We were all highly offended with him. The assembly voted him to have spoken against the order; this is the highest of their censures. Maitland was absent; but enraged when he heard of it. We had many consultations what to do; at last, we resolved to pursue it no further, only we would not meet with him, except he acknowledged his fault. The Independents were resolute not to meet without him, and he resolute to recal nothing of the substance of that he had said. At last, we were intreated by our friends, to shuffle it over the best way might be, and to go on in our business. God, that brings good out of evil, made that misearriage of Nye a mean to do him some good; for, ever since, we find him, in all things, the most accommodating man in the company.

This, and sundry occurrences, have made the sails of that party fall lower. My Lord Scy's credit and reputation is none at all, which wont to be all in all. Sir Harry Vane, whatever be his judgement, yet less or more does not own them, and gives them no encouragement. No man I know, in either of the Houses, of any note, is for them. Sundry officers and soldiers in the army are fallen from their way to Antinomianism and Anabaptism, which burdens them with envy. Not any one in the assembly, when they have been heard to the full in any one thing, is persuaded by them; but all profess themselves to be more averse from their ways than before. The brethren of New England incline more to synods and presbyteries, driven thereto by the manifold late heresies, schisms, and factions, broken out among them; also the many pens that have fallen more sharply than we on their Apologetick Narration. These, and divers other accidents, have cooled somewhat of these mens fervour; above all, the letter from Holland has given them a great wound. Our good friend in Zeeland gave to his neighbour so good information of all he heard from us here, that so soon as the classes of Wallachren did meet to consult about the letter which this synod sent to them, as to all the Reformed churches, they were very bent presently to



write an answer, in the which they fell flat and expressly upon the Independents, and their Apologetick Narration, shewing how far their way was contrary to the word of God, to the Reformed churches, and to all sound reason. This was read openly in the face of the assembly, and in the ears of the Independents, who durst not mute against it. It was appointed to be translated into English, and sent to be read in both Houses of parliament, which was done accordingly. This has much vexed the minds of these men, and yet we expect from the synod of Zealand, now sitting, more water to be put in their wine. It seems they are justly crossed by God; for beside all the error and great evil which is in their way, they have been the only men who have kept this poor church in an anarchy so long a time, who have preferred the advancement of their private new fancies to the kingdom of Christ, who have lost many thousand souls through the long confusion occasioned by their wilfulness only, and the settling of the land, which their way hitherto has kept loose and open, to the evident hazard of its ruin. Their ways, private and publick, have taken away from the most of beholders, the opinion which was of their more than ordinary piety and ingenuity: that now is gone. All this contributes to the peace of this church. While we came to prove the affirmative of our tenet anent the presbytery, they jangled many days with us; but at last it was carried, and sundry scriptures were voiced also for that proposition, to our great joy. In the debate, they let fall so much of their mind, that it was hoped they might come up, if not fully to our grounds, yet to most of our practical conclusions. For this end the assembly appointed a committee of four of them, and four of the assembly, to meet with us four, to see how far we could agree. We were glad that what we were doing in private should be thus authorised. We have met some three or four times already, and have agreed on five or six propositions, hoping, by God's grace, to agree in more. They yield, that a presbytery, even as we take it, is an ordinance of God, which hath power and authority from Christ, to call the ministers and elders, or any in their bounds, before them, to account for any offence in life or doctrine, to try and examine the cause, to admonish and rebuke, and if they be obstinate, to declare them as Ethnieks and publicans, and give them over to the punishment of the magistrates, also doctrinally to declare the mind of God in all questions of religion, with such authority as obliges to receive their just sentences; that they will be members of such fixed presbyteries, keep the meeting, preach as it comes to their turn, join in the discipline after doctrine. Thus far we have gone on without prejudice to the proceeding of the assembly. When we were going to the rest of the propositions concerning the presbytery, my Lord Manchester wrote to us from Cambridge, what he had done in the university, how he had ejected for gross scandals, the heads of five colleges, Dr Coosings, Beel, Sterne, Ramborne, and another; that he had made choice of five of our number, to be masters in their places, Mr Palmer, Vines, Seaman, Arrowsmith, and our countryman Young, requiring the assembly's approbation of his choice; which was unanimously given; for they are all very good and able divines. Also, because of the multitude of scandalous ministers, he behoved to remove, he renewed to the assembly his former motion, anent the expediting of ordination. This has cast us on that head. We have voted sundry propositions of it. The last four sessions were spent upon an unexpected debate: Good

Mr Calamy, and some of our best friends, fearing the Separatists objections, anent the ministry of England, as if they had no calling, for this reason, among others, That they were ordained without the people's election, yea, without any flock; for the fellows of their colleges are ordained ministers *sine titulo*, long before they are presented to any people; when we came therefore to the proposition, That no man should be ordained a minister without a designation to a certain church, they stiffly maintained their own practice: yet we carried it this afternoon.

As for our Directory, the matter of prayer which we gave in, is agreed to in the committee. Mr Marshall's part, anent preaching, and Mr Palmer's, about catechising, though the one be the best preacher, and the other the best catechist, in England, yet we no way like it: so their papers are past in our hands to frame them according to our mind. Our paper anent the sacraments we gave in. We agreed, so far as we went, except in a table. Here all of them oppose us, and we them. They will not, and say the people will never yield to alter their practice. They are content of sitting, albeit not as of a rite institute; but to come out of their pews to a table, they deny the necessity of it: we affirm it necessary, and will stand to it. The Independents way of celebrating, seems to be very irreverent. They have the communion every Sabbath, without any preparation before or thanksgiving after: little examination of people: their very prayers and doctrine before the sacrament, use not to be directed to the use of the sacrament. They have, after the blessing, a short discourse, and two short graces over the elements, which are distributed and particepate in silence, without exhortation, reading, or singing, and all is ended with a psalm, without prayer. Mr Nye told us his private judgement, that in preaching he thinks the minister should be covered, and the people discovered; but in the sacrament, the minister should be discovered, as a servant, and the guests all covered. For hastening of the assembly, we got many messages from the Houses; but all they can do, is to sit all the days of the week, except Saturday and Sunday, till one or two o'clock, and twice a-week also in the afternoon; the other afternoons are for committees. However their speed be small, yet their labour is exceeding great, whereof all do expect a happy conclusion, and blessed fruits.

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The eyes of all are towards our army. The great God be with it, to put a quick end to the great miseries and dangers of all these dominions. We were comforted by the sundry clear passages of God's mercies towards them; that they got so easily over the Tyne and the Ware; that the enemy, who durst visit them in their quarters, were so infatuated by God as not to set upon them in their passage; that when their want of provision was almost extreme, there should come to them at Sunderland, both from London and Scotland, so much as to put them out of hazard of starving; that though the extremity of the tempest had cast away the barks with their provision, yet God should have sent such weather as made the Tyne passable, and that no longer than they were over. Many such passages are in the letters, which we see from the camp, that demonstrates the answer of our prayers in a part, and confirms our hope in the rest: though the difficulties yet be many, and far greater than any did expect; yet we think the Lord is but walking in his ordinary way, to let us fall in difficulties insuperable to us, to draw us near to him



out of all self-confidence, that we may cry to Heaven, and what deliverance comes it may be taken out of his hand. That very day, and these hours, when our army was passing the Tyne, the 28th of February, were we all here fasting and praying; and among the rest, I was praying and preaching to the parliament; blessed be his name that gave us at the same hour so gracious an answer. The next week, when that happy solemn fast does return, we have much ado with the help of God; for every where the armies are near a-yoking.

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If any disaster should befall Waller, our danger here were present and great. Manchester has drawn all his forces towards Lincoln to oppose Prince Rupert's progress; but the main chance is in the north, for which our hearts are trinkling. Our letter yesternight from the leaguer at Sunderland shewed, that on Sunday last, while our perplexity was great for horse-meat, and we were in a great doubt what to do; to stay there was to starve our horse; to send our horse back over Tyne, without our foot with them, was to lose Sunderland, our sea-port, which brought us provision. While we are on these thoughts, our enemies draw near with all their forces, and set themselves down in a place of advantage. On Sunday at night, and Monday morning, we were skirmishing. The ground made it hard for us to set on; but our necessities put us on. The great God assist us. Lumsden was come over the water, with 3000 more men. On Monday, the 25th of this instant, these letters came away. We know no more, but with passion are expecting good news. We wonder your ambassadors should be dreaming of any treaty; since every other day after their coming from Oxford, this parliament there, with vote upon vote, with declaration after declaration, are made traitors, rebels, and all evil can be imagined. The parliament here, to put off them that very groundless scandal which they at Oxford strove to put upon them, have put out a declaration of their great desire of peace, and of the invincible obstacles laid in their way to it. However your ambassadors seem over-ready to have proven very unhappy instruments to have divided the two nations, and raised a new party here for the King, and divided both Houses; but I hope God has prevented them. The propositions for treaty were really answered by the declaration of both Houses, That they, by the late votes at Oxford, being declared traitors, were made incapable to treat; yet they resolved, according to the overture made by us long ago, to advise on propositions, without which they could not proceed. These the lower house did agree to refer to the higher, to the committee of both kingdoms; but the higher house resolved to have a new committee of Lords and Commons to join with our commissioners, alledging, the former committee, which was carried over their bellies, was only for managing of the war; but for the treaty of peace they have another, Pembroke and Salisbury, who disdained they were of the first, and below Hollis, Reynolds, Clotworthy, did much urge a second committee; and all these who loved division seconded this motion. Here it has stood some days; but after the disaster at Newark, your commissioners struck the iron when it was hot, and pressed a further and far more unhappy point, to have a treaty without us. On Saturday last they did so far advance this desperate motion, that the House of Commons were divided about it in two equal halves: so that division was referred to the honest Speaker; who carried it right, that they were obliged, not only to

conclude, but not to begin, a treaty without the Scots. On this fearful debate they sat till three o'clock in the afternoon; so far did your unhappy agents from Oxford and the Hague prevail. But, behold! before half an hour after three, there came news which made their ears to tingle. God answered our Wednesday's prayers. Balfour and Waller had got a glorious victory over Forth and Hopeton, and routed them totally, horse and foot. All since are exercised to raise money to that victorious army, and men, to assist them to pursue that great and timeous victory. We were sinking; but God has taken us by the hand, and filled us with hope. On Sunday, March 25, and Monday, Lesly and Newcastle, with all their forces, were skirmishing. We think ere this they will have a battle: we are in hope of good news. We expect good from the synod of Zealand. We wish they may consider their giving of excommunication to every congregation.

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*To Mr David Dickson and Mr Robert Ramsay only.*

The unhappy Independents keep all the matters of the church so loose, that there is no appearance of any short settling. The preface of my sermon has put some edge on the assembly for a quicker dispatch; but the nature itself of their way is so wofully longsome, that it is almost impossible to be shortened. The number and evil humour of the Antinomians and Anabaptists doth increase. In a word, things here are in a hard condition. I have acquainted you herewith, that we may remember hereafter, when God has appeared for us, from how great depths he has lifted us up. We truly do expect, from the goodness and mercy of our God, though this stupid and secure people are no ways fitted for a deliverance, if we look to justice, yet, that for his name's sake, the truth, and handful of the godly, that he will arise. So much the more is it needful that God should haste, as we hear of a storm that may arise among you in your north, and elsewhere, by the pestiferous malignants and malecontents; also from your Irish army, if they be not satisfied, and the Irish rebels on their back. All these will be matters of God's praise, when he has let them appear, and rear upon us, but incontinent, by the chain of his providence, has drawn them backward for their confusion. I hope to keep the general assembly with you at Edinburgh. We are all, for our private, well, blessed be God. How all is with you, I know not: but that broil about Mr Hugh Blair I wish were some way composed; but being so far from the place, I cannot tell how. The matter of our present debates in our assembly, is the people's interest in their minister to be ordained. We hope to give light to these scabrous questions.

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After the writing hereof, this Sunday, March 24, we were all afflicted with sad news from Newark. Sir John Meldrum by all means would besiege Newark, and gave assurance to all, day after day, to carry it; yet it is so fallen out, whether by base cowardice or treachery, that his whole camp, near 5000 or 6000, after a little skirmish, have rendered themselves to the enemy, being fewer in number: a grievous and disgraceful stroke. The certainty of the particulars we have not yet; but such another stroke will make this people faint, except God bless the Scots army. Yet this sore stroke puts many to their knees who were in a deep sleep, and we hope there will be a wrestling with God the next Wednesday. This is a fearful alarm. Let God do all his will: yet I must say his people and cause are on our side; and on the others, patrons of oppres-



sion, profanity, and Popery, whom God cannot bless to the end. God send us better news ; for the time our anxiety is very great. The bearer is not yet gone. As all former disasters, so this I hope shall do us good. Yesterday was a gracious day of prayer.

*For Mr Robert Blair. March 26, 1644.*

I have written nothing to you all this time, partly not knowing certainly where you were, and mostly because my sweet colleague, Mr Samuel, informed you of all I had to say. Thanks to God, never colleagues had a greater harmony ; for to this hour not the least difference, the smallest eyelist betwixt any of us, either state or church commissioners, in any thing, either private or publick, which you know is rare in societies, makes our fellowship much the sweeter. We have written a publick letter to you, to advise, if you think meet, to call any of us home to the general assembly. All of us will take it for the call of God, whatever you resolve of our stays or goings. It is like, about that time, there shall be more to do here than before ; for the delays of the Independents importunities has been wonderful, which now, I hope, are drawing near an end ; and very likely, about that very time of the assembly, if God cast not in unexpected impediments, we may be about the highest points both of government and worship, the erecting of our presbytery, and putting our votes in practice, and settling of a directory, wherein we have yet got little thing done, and much is here ado. These things are so high, and of so great concernment, that no living man can think Mr Henderson may be away ; and to put him to go and return, it were very hard to venture such a jewel, that is so necessary to the well being both of church and state of all these dominions. Mr Samuel, for the great parts God has given him, and special acquaintance with the question in hand, is very necessary to be here ; especially because of his book, which is daily enlarging, and it will not come off the press yet for some time. It is very like, whenever it comes out, it shall have some short affronting reply ; and judge now if it be not necessary that he should be here to answer for himself. Mr G. Gillespie, however I had a good opinion of his gifts, yet I profess he has much deceived me. Of a truth there is no man whose parts in a publick dispute I do so admire. He has studied so accurately all the points ever yet came to our assembly, he has gotten so ready, so assured, so solid a way of publick debating, that however there be in the assembly divers very excellent men, yet, in my poor judgement, there is not one who speaks more rationally, and to the point, than that brave youth has done ever, so that his absence would be prejudicial to our whole cause, and unpleasant to all here that wishes it well.

*To Mr William Spang. April 12, 1644.*

Matters here, both of church and state, are in a strange posture. We are oft put to our knees to cry to God. The unhappy, and unamendable prolixity of this people, in all their affairs, except God work extraordinarily, is like to undo them. They can put nothing to any point, either of church or state. We are vexed and overwearied with their ways. God help them, and our poor land, which by their unhappy and sottish laziness is like to be in great hazard.

I cannot tell you what to say of the assembly. We are almost desperate to see any thing concluded for a long time. Their way is woefully tedious. Nothing, in any assembly that ever was in the

world, except Trent, like to them in prolixity. Particulars you shall have with the next.

*April 19, 1644.*—Our assembly at last has perfected ordination, both in the doctrinal and directory parts. I think, to-morrow, they shall present it to the Houses. It has cost us much labour, and above twenty long sessions. I hope it shall do good, and over all this land shall erect presently an association of ministers to ordain. Our presbytery shall shortly follow. The Independents are resolved yet to give in their reasons against us, and that will be the beginning of an open schism. Likely, after that, we will be forced to deal with them as open enemies. They have been here most unhappy instruments, the principal, if not the sole causes, why the parliament were so long in calling an assembly, and when it was called, why nothing in a whole year could be gotten concluded. In the mean time they, over all the land, are making up a faction to their own way, the far most part whereof is fallen off to Anabaptism and Antinomianism. Sundry also worse, if worse needs be : the mortality of the soul, the denial of angels and devils, and cast off all sacraments, and many blasphemous things. All these are from New England, where divers are in irons for their blasphemies, condemned to perpetual slavery, and well near by a few votes it went for the life. They proclaim their fears of the rigours of presbytery. Possibly they are conscious of their unsufferable tenets, and certainly they know their own rigour against the Presbyterians. In all New England, no liberty of living for a Presbyterian. Whoever there, were they angels for life and doctrine, will essay to set up a different way from them, shall be sure of present banishment. Be diligent, we beseech you, with your synod. While I am writing this, praise to God for evermore, a messenger comes to us from our army, shewing, that on Friday night the enemy hearing of Fairfax's victory, marched away from Durham towards the Tyse ; that Saturday and Sunday we were following, and were within three miles of them, resolving to follow where-ever they went.

*April 25, 1644.*—We are all very sensible of your prudent diligence ; by all means go on with your divines for their answer. I wish these whom you have engaged in Zealand were put on to engage with themselves the divines of the other provinces, especially the presbytery of Leyden, also Rivet and Voetius. There is great need ; for this is a very wavering and fickle people. Write what they please against bishops and ceremonies *obiter*, for our confirmation ; for these are now out of the hearts of all here almost : but above all, and in earnest, let them exhort to be watchful against anarchial schisms, and the heresies of Antinomians and Anabaptists. These three come together cordially against all the Reformed churches, and increase so much in number and boldness, as easily they would carry all here to a lamentable confusion, if the fear of our armies did not keep them in order ; and, as it is, many fear they shall do much, if God prevent it not. We have given in to the parliament our conclusions ancient ordination ; whereupon, I think, we have spent above forty long sessions. To prevent a present rupture with the Independents, we were content not to give in our propositions of presbyteries and congregations, that we might not necessitate them to give in their remonstrance against our conclusions, which they are peremptor to do when we come on that matter. We judged it also convenient to delay till we had gone through the



whole matters of the presbyteries and synods ; to send them up rather in their full strength than by pieces ; also we suffered ourselves to be persuaded to eschew that rupture at this time, when it were so dangerous for their bruckle state. The Independents having so managed their affairs, that of the officers and soldiers in Manchester's army, certainly also in the General's, and, as I hear, in Waller's likewise, more than the two parts are for them, and these of the far most resolute and confident men for the parliament-party. Judge ye if we had not need of our friends help. I wish we had letters by some of your friends means from Switzerland and Geneva ; and however the French divines dare not keep publick correspondence, and I hear the chief of them are like some of yours, so much courtiers, that they will not help us in the half they dare and might, policy and prudence so far keeps down their charity and zeal ; yet I think some of the ministers of Paris, and their professors, if they were dealt with by some of your friends, might, in private letters, either to some here, or some with you, write so much of their mind in this publick cause of church-government, as might contribute to the encouragement of this fainting and weak-hearted people. In any letters that come here, I wish they may be sparing of the point of the magistrate ; also in the enlarging of the particular congregations. I wish they might speak home to that you assure is their practice, of giving ordination only to the classes, and excommunication, at least for regulating of the process ; albeit we make the chief parts of the process to be led before the classes, and gives them the power of the decree ; for we count it a *munus communis*, and of so high a consequence as can be, to cut off a member, not from one congregation only, but the whole church and body of Christ. Our brethren here are so peremptory, that they will by no means tie themselves so much as to advise any thing in the whole process with the classes ; only when they have sentenced, if they be required, they will give an account to any who have offended.

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*To Mr David Dickson. April 29, 1644.*

I wrote to you my mind anent the motion of our coming down to the general assembly. I am still of that mind, and my Lord Wariston thinks so with me ; yea, it is all our minds that Mr Henderson cannot be spared ; for the matter of both government and directory, especially in the points of prayer, sacraments, preaching, which we have given in already ; the catechism, which is almost ready, and the other parts also, will shortly be in such a maturity, that about the midst and end of May it is like our work shall be hottest. Mr Henderson's absence for a little might not only retard, but also put matters so far wrong, as would not in haste be gotten righted. For any other of us to come down to the assembly, we conceive, were not only very needless, but in some respects, which I will not write, disadvantageous to affairs here and there both ; yet if you on the place think fit to send for any or all of us, we are all willing and ready to obey your calls. However, in this long anarchy, the sectaries and hereticks increase marvellously ; yet we are hopeful, if God might help us, to have our presbyteries erected, as we expect shortly to have them, and get the chief of the Independents to join with us in our practical conclusions, as we are labouring much for it, and are not yet out of hope, we trust, to win about all the rest of these wild and enormous people. However, for the time, the confusions about religion are very great and remediless. There were many bickerings, and fear of breaking, about the

articles of peace ; but, thanks to God, I hope that fear be past. The committee of both kingdoms has unanimously agreed the articles, which my Lord Wariston, for the far most part, drew up. I think he may come down with them himself one of these days, to be agreed to by you there. Upon your first hearing of his coming to Edinburgh, make haste to be at him, for he cannot stay. The articles are such as doubtless the King will scorn, till his wicked council and party be broken, which, by God's help, will shortly be.

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*To Mr William Spang. May 3, 1644.*

I cannot tell how things go here. If God do not this work, it will perish of itself without an enemy. Extreme inlack of money for all occasions, which yet daily are many and great ; a mighty party in the Houses, in the city, and every where, who mind their own things, and cause such distrusts, and fears of treachery, as are formidable ; in all the armies great divisions, and extreme want of pay. When we have any truce with the Independents anent our presbytery, we fall in new wars with others. For our sessions, a great party in the synod, for fear of ruling elders, and in opposition to Independency, will have no ecclesiastick court at all, but one presbytery for all the congregations within its bounds. I cannot tell you our daily perplexities ; yet we must trust in God, and not faint, for all the vexation which passes from far and near on all hands.

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*To Mr Robert Ramsay. May 9, 1644.*

This people are so divided, and subdivided, in their judgements and practice, that if ever either their church or state settle, it is God's miraculous mercy. Had not God raised our nation to join with all our strength, long ere this, without all doubt, they had been swallowed up by their enemies ; yea, they had, without the hand of an enemy, by their own broken and languid proceedings, been lost irrecoverably ; and as yet it stands, the dangers are exceeding great.

For our assembly-matters, we are daily perplexed ; not only we make no progress, and are far from the sight of any appearance of an end, but also matters oft in hazard of miscarriage. The Independents, so far as yet we can see, are peremptory for a schism ; and their party is very strong and growing, especially in the army. The leading men in the assembly are much at this time divided about the question in hand, of the power of congregations and synods. Some of them would give nothing to congregations, denying peremptorily all example, precept, or reason, for a congregational eldership ; others, and many more, are wilful to give to congregational eldership all and entire power of ordination, excommunication, and all. Had not God sent Mr Henderson, Mr Rutherford, and Mr Gillespie among them, I see not that ever they could agree on any settled government. We expect the favour of God to help us over the rocks, and through the storms, in the midst whereof we sail at this hour. The answer and return of your prayers we oft feel and acknowledge. All our company, blessed be God, have had perfect health, good courage, and hearty unanimity, in all things ; great credit and reputation ; sensible assistance in every thing, and hitherto very good success, to all our motions, either for church or state ; so that we are hopeful to wrestle through the present difficulties, as we have done many before, by the help of the prayers of God's people among you. The humour of this people is very various, and inclinable to singularities, to differ from all the world, and one from an-



other, and shortly from themselves. No people had so much need of a presbytery. The affairs of the state, marvel not that I and others write oft so diversely of them; for there are many contrary and divers tides into them. We are still feared that the King come, and set himself down in the parliament. If he had done so this twelvemonth bygone, or yet would, it would put our affairs in the greatest hazard of confusion. To cross that dangerous design of the mighty faction among us, the engine of the articles of peace is turned on the face of the authors to our great advantage. We have got such articles passed the committee of both kingdoms, and transmitted to both Houses, as Wariston has brought down. They are of our own framing. Nine of the greatest are consented to by the Commons, and the rest will shortly pass, I trust. Yesterday the whole House went to the Lords for a conference, and required the passing of three ordinances, which long had lien by. I. The continuance of the committee of both kingdoms for other three months. That committee is the great bulwark against the faction. The first framing of it was over their heads. It has been their greatest eye-sore. It expires the morn. They thought either to hinder the renewing of the ordinance, or to add unto it such other members of both Houses, of their miud, as might have over-ruled the better party and us; but we hope this union of the Commons will counteract that plot.

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*To Mr William Spang.*

On Friday, after a week's debate, we carried, albeit hardly, that no single congregation had the power of ordination. To-morrow we begin to debate if they have any right of excommunication. We gave in, long ago, a paper to the great committee, wherein we asserted a congregational eldership, for governing the private affairs of the congregation, from the 18th of Matthew. Mr David Calderwood, in his letter to us, has censured us grievously for so doing; shewing us, that our books of discipline admit of no presbytery or eldership but one; that we put ourselves in hazard to be forced to give excommunication, and so entire government, to congregations, which is a great step to Independency. Mr Henderson acknowledges this: and we are in a peck of troubles with it.

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May 17, 1644.—This day was the best that I have seen since I came to England. General Essex, when he went out, sent to the assembly, to intreat, that a day of fasting might be kept for him. We appoint, this day, four of our number to preach and pray at Christ's church; also, taking the occasion, we thought it meet to be humbled in the assembly, so we spent from nine to five very graciously. After D. Twisse had begun with a brief prayer, Mr Marshall prayed large two hours, most divinely, confessing the sins of the members of the assembly, in a wonderful, pathetick, and prudent way. After, Mr Arrowsmith preached an hour, then a psalm; thereafter Mr Vines prayed near two hours, and Mr Palmer preached an hour, and Mr Seaman prayed near two hours, then a psalm; after Mr Henderson brought them to a sweet conference of the heat confessed in the assembly, and other seen faults, to be remedied, and the conveniency to preach against all sects, especially Anabaptists and Antinomians. Dr Twisse closed with a short prayer and blessing. God was so evidently in all this exercise, that we expect certainly a blessing both in our matter of the assembly and whole kingdom.

[See continuation of the Account of the Westminster Assembly, appended to the Acts of 1644.]

1642.—August.

5. *Report of the State of Scotland, by Hamilton to the King, in August, 1642—sent by special messenger.\**

I. Shew His Majesty with what a prejudicated Opinion I was received, by reason of what I have done at York, which I still lie under.

II. Shew in what Temper I found this Kingdom, occasioned (as I conceive) by the apprehension they have of His Majesties not observing what He hath already granted, if He shall be in a Condition to force them; seeing it is believed, that what He hath given was against His Will. Next, divers eminent Persons apprehend, that if He obtain His ends by Force, they will be neglected, and Persons obnoxious to this Kingdom cherished.

III. Shew that some active men will not lie idle in so stirring Times; and therefore His Majesty would consider how to make use of them, lest otherwise they may be engaged, and with them the Kingdom.

IV. Shew that it will be impossible longer to delay the Meeting of the Commissioners for Conserving of the Peace, and what my Part hath been therein; and therefore to Consider, if it were not fit they were called by His Majesties Warrant.

V. Shew that I could not think of a better way to serve Her Majesty (for the present) than by procuring an Invitation from the whole Kingdom for her return; which Proposition if His Majesty conceive fit for His Service, and be acceptable to Her Majesty, I doubt not of the effectuating it, otherwise it shall here end.

VI. Shew that though I can be of no great use to His Majesty any where, yet I conceive more here than at York; for albeit I still say I can undertake for nothing, yet I may possibly be able to prevent Evil, if I can do no Good.

VII. Shew the miserable Condition of my Fortune, which occasioneth the not sending as yet the Moneys for entertaining the Horse, which if the sale of Land can procure, shall be quickly remedied.

1642.—August 26.

6. *The King's Letter about Uniformity of Church Government.†*

CHARLES R.

By your Letter to Us of the 19<sup>th</sup> of this Instant August, We find you concur with Our late General Assembly, in their Desire to Us about Unity of Religion, and Uniformity of Church-Government in all Our three Kingdoms; which cannot be more earnestly desired by you, than shall be really endeavoured by Us, in such a way as We in Our Conscience conceive to be best, for the flourishing Estate of the true Protestant Religion. But as for Joyning with Our Houses of Parliament here in this Work, it were improper for Us at this time to give any Answer: for since their Meeting they have never made any Proposition to Us, concerning Unity of Religion, or Uniformity of Church-Government: so far are they from desiring any such thing, as we are confident the most considerable Persons, and those who make fairest Pretences to you of this kind, will no sooner embrace a Presbyterial than you an Episcopal. And truly it seems, (notwithstanding whatsoever Profession they have made to the contrary,) that nothing hath been less in their minds than Settling of the true Religion, and Reforming such

\* Burnet, p. 196.

† Ibid, p. 197.



Abuses in the Church-Government, as possibly have crept in, contrary to the establish't Law of the Land: to which we have been so far from being averse, that We have by divers Declarations and Messages pressed them to it, though hitherto it hath been to small purpose. But when-ever any Proposition shall be made to Us by them, which We shall conceive may any way advance the Unity of the true Protestant Religion, according to the Word of God, or establish the Church-Government according to the known Laws of this Kingdom, We shall by Our chearful joyning with them, let the World see, that nothing can be more acceptable unto Us, than the furthering and advancing of so good a Work. So we bid you Farewell.

From Nottingham the 26th of August, 1642.

1642.—September 10.

7. *Letter from Mungo Murray (afterwards Earl of Dysart) to the Earl of Lanerick.\**

MY MUCH HONOURED LORD,

When I arrived here, your Brother was in Argyle; but upon knowledge of my coming, came himself, and brought that Marquis with him to Hamilton, whither the Chancellor went likewise, and there I attended all three.

I found them with the same Affections and Desires your Lordship left in them, but as they conceive, not so able to Act as they were then. They apprehend, the Parliament of England will be much higher in their Demands than at that time; as understanding now both the Kings Power, and their own, which were then but upon forming, and promised a greater Equality. The Kings two Messages to the Parliament have likewise so discredited His Majesties Affairs in this Country, that they fear many forward enough before, will now unwillingly engage in any way which may displease the Parliament; yet they are resolved to do their best, and I believe say little less in this inclosed Letter, signed by all three.

His Majesty must expect in point of Religion, to be prest for Uniformity in Church-Government; and if His Majesty may be moved to publish some handsome Declaration satisfactory in that point, it would infinitely advance all his Affairs in this Country, and from hence have a powerful influence upon that.

The Parliament hath gained much here by their last Vote, and there is a very fine Answer expected to their last Message sent by the Lord Maitland, which will extraordinarily confirm the former Correspondence; if the King do not something plausible in the same kind, timeously and unconstrained, the two Kingdoms will shut upon him in despite of what his best Servants can do.

Here is no Order for publishing His Majesties Declarations, and great care taken to the contrary, which occasions great prejudication in the common Peoples minds, and were very fit to be amended.

I am looked upon here with great Jealousie, yet it lessens because they see I am not busie. I am advised by your Brother, and the rest, for avoiding of suspicion to go up to Court, which (having dispatched some particular business I have of my own) I am resolved to do. They have entrusted me with these particular Queries, of which they desire His Majesties Resolution; if your Lordship find opportunity you may acquaint His Majesty with them. They desire likewise your Lordship

\* Burnet, p. 198.

may be sent down with a Letter to the Commissioners full of Confidence, and allowing them all Freedom in their Consultations. In respect of this great Meeting, your Brother cannot make his Journey to Holland: no Act of that nature being now to be done, their Opinion and Authority not consulted: but I find them all right set in the thing, and truly so respective to the Queens Person, it did my Heart good to hear them. All the Lords Conservators which are with you, will receive Summons: but it is not desired they should come down, and truly I believe their Presence will do more hurt than good.

I must intreat your Lordship to acquaint His Majesty with these Particulars, to receive his further Commands, and convey them to

My Lord,

Your Lordships faithful humble Servant,  
Edinburgh, 10<sup>th</sup> Sept. M. MURRAY.

1642.

POSTSCRIPT.—The King must send to New-Castle Directions concerning his Ships, for their Victuals are quite spent; my poor opinion is, they should be sent to Holland, where they may be safer, and attend the Queen.

1642.—September 18.

8. *The King's Letter to the Conservators of the Peace.\**

RIGHT TRUSTY, &c.

Having been informed that upon Petition of the Commissioners from Our late General Assembly, Our Council thought fit, that you should meet for discharging of that Trust imposed on you by Us, and Our Parliament, whereby all fair means may be used to prevent such Troubles and Divisions, as may interrupt or endanger the common Peace of Our Kingdom. And as it ought to be the continual study of all Good and Pious Princes, to preserve their People, so certainly it is the Duty of all Loyal and Faithful Subjects, to maintain the Greatness, and Just Authority of their Princes; so that without this reciprocal Endeavour, there can be no Happiness for the Prince, nor Security for the People. We are sure, Our late Actions in Scotland, will to all posterity be an acceptable witness of Our Care, in preserving the Liberty of those Our Subjects, and Our Desire to settle perfect Peace in that Our Kingdom. And We are also confident, that the many good Acts We have past here since the Sitting of this Parliament, (indeed deuying none but such as denied Us any Power at all, and were never so much as demanded from any of Our Predecessors) will bear the like Testimony of Our Affection to the Good and Peace of this Kingdom, though the success hath not been alike. For though We have used Our best Endeavours, to prevent the present Distractions and threatening Dangers: yet so prevalent have been the opposers of Us, and the Peace of Our Kingdoms, that not so much as a Treaty can be obtained, (though by Our several Messages we have descended to demand and press it) unless upon such Conditions, as would either by taking all Power of Government from Us, make Us as nothing; or by forcing Us to quit the Protection of such, as for obeying Us (according to Law and their Oath of Allegiance) they would have Traytors, and so make Us do an Act unworthy of a King. Yet so desirous We are to save Our Subjects Blood, (which cannot but be prodigally spent, if We be necessitated by force of Arms to decide these unhappy Differences) that no sooner any such Treaty

\* Burnet, p. 200.



shall be offered unto Us by them, (which with Honour and Safety We can receive) but We shall chearfully embrace it. This We have thought fit to acquaint you with, that from Our Selves, you may know Our love to Peace, and We doubt not but your Meeting at this time will produce something which will witness your tender respect to Our Honour and Safety; and so much We do confide in your Affections, as We shall absolutely leave the ways and means of expressing it to your selves. So We bid you heartily farewell.

From Our Court at Stafford, the  
18<sup>th</sup> of September.

1642.—December 2.

9. *Letter from the King to Hamilton.\**

HAMILTON,

Though the Trust of this Bearer† needs not a Credential Letter, yet the Civility of a Friend cannot but under his hand, as well as by word of mouth, express his Kindness, and resentment of Courtesies; which of late have been such, that you have given me just cause to give you better Thanks, than I will offer at in words. I shall not neglect the lazie use of so trusty a Bearer, by referring to him, not only the estate of my Affairs here, but likewise in what way you will be of most use to Me: yet I cannot but tell you, I have set up my rest upon the Justice of my Cause, being resolved, that no extremity or misfortune shall make me yield; for I will be either a *Glorious King*, or a *Patient Martyr*, and as yet not being the first, nor at this present apprehending the other, I think it now no unfit time, to express this my Resolution unto you. One thing more, (which but for the Messenger were too much trust to Paper) the failing to one Friend hath indeed gone very near me; wherefore I am resolved, that no Consideration whatsoever shall ever make me doe the like. Upon this Ground I am certain, that God hath either so totally forgiven me, that he will still bless this Good Cause in my Hands; or that all my Punishment shall be in this World, which without performing what I have resolved, I cannot flatter my self will end here. This accustomed Freedom will (I am confident) add chearfulness to your honest Resolutions, seeing beside Generosity, to which I pretend a little, my Conscience will make me stick to my Friends, assuring you, I have none if I am not

Your most assured constant Friend,

CHARLES R.

Oxford, 2<sup>d</sup> Decemb. 1642.

1642.—December 29.

10. *Letter from the King to Hamilton.‡*

HAMILTON,

You know I am ill at words: I think it were best for me to say to you (as Mr Major did) *you know my mind*, and indeed I know none of my Subjects, that knows it better; and having for the present little else to give my Servants but thanks, I hold it a particular Misfortune that I can do it no better, therefore this must suffice. I see you are as good as your word, and you shall find me as good in mine, of being

Your most assured constant Friend,

CHARLES R.

Oxford, December 29<sup>th</sup>, 1642.

POSTSCRIPT.—You cannot take to your self, nor

express to your Brother, better thanks than I mean to you both, for the Service you did me the last Council-day.

1643.—January.

11. *The Cross Petition.\**

MAY IT PLEASE YOUR LORDSHIPS,

That whereas His Majesty, with Advice of his Great Council the Estates of Parliament, hath been pleased to select your Lordships to be His Councilours, and hath, by an Act of the late Parliament, committed to your Lordships the Administration and Government of this Kingdom, in all Affairs concerning the Good, Peace, and Happiness thereof; and in regard of that great Trust reposed by His Majesty, and the Estates of Parliament in you, your Lordships have been and will continue so careful to acquit your selves of that weighty Charge, as you may be answerable for all your Actions and Proceedings to his Majesty, and the Estates of Parliament, to whom, (as we conceive) you are and can only be accomptable: And now we being informed of a Petition presented by some Noblemen, Gentlemen and others, to the Commissioners, for conserving the Articles of the late Treaty, upon pretext of your Lordships not Sitting at that time, wherein it is represented, that your Lordships late Warrant for Printing his Majesties Letter hath occasioned great Grief and heavy Re grate, of all who tender the Glory of God, His Majesties Honour, and procuring Unity of Religion, and Uniformity in Church-Government, the continuance of Peace, and Union betwixt the two Kingdoms, and fearing if at this time, we should be silent, your Lordships should conceive us, and the rest of the Kingdom, to be involved with them in the like Desires, Judgements, and Opinious, and lest by our silence our Gracious Sovereign the Kings Majesty should believe us wanting in the Duty and Allegiance, which by so many Tyes and Obligations we owe to Him, our Native King, or that our Brethren of England should apprehend the least Intention, or Desire in us, to infringe, or any ways encroach upon the Brotherly Union of the two Kingdoms, so happily united under one Head; We presume in all Humility to clear our selves, and our Intentions to your Lordships, and to all the World, and therewith, to represent our humble Wishes and Desires, for Establishing His Majesties Royal Authority, and continuing that happy Union betwixt the two Kingdoms, which can never truly be conceived to be intended to weaken the Head, whereby it is knit together, and without which it can have no subsistence.

The happy Union of the two Kingdoms under one Head, our King, doth so much add to His Majesties Greatness, and Strength of both Kingdoms, that we British Subjects cannot choose but wish that the said Brotherly Union be heartily entertained, and cherished by all fair and reasonable means, to which we conceive no one thing will so much conduce, as that the late Articles of the Treaty of Peace, and Conclusions taken thereupon about Unity of Religion, may be carefully and timeously prosecuted: wherein as our Commissioners then, so we now without presuming or usurping to prescribe Rules, or Laws of Reformation to our Neighbour-kingdom (Civil Liberty and Conscience being so tender that it cannot endure to be touched, but by such as they are wedded to, and have lawful Authority over them) notwithstanding, seeing the

\* Burnet, p. 203. † Lanerick. ‡ Burnet, p. 205.

\* Burnet, p. 206.



duty of Charity doth oblige all Christians to pray and profess their Desires, that all were of the same Religion with themselves, and since we all acknowledge that Religion is the base and foundation of Kingdoms, and the strongest Bond to knit the Subjects to their Princes in true Loyalty, and to knit their Hearts one to another in true Unity, we cannot but heartily wish, that this work of Union so happily begun, may be crowned and strengthened by the Unity of Church-Government; and that your Lordships with us may be pleased to represent it to His Majesty, and Both Houses of Parliament, as an expression and Testimony of our Affections to the good of our Brethren in England, and of our Desires to make firm and stable our Brotherly Union by the strong chain and Bulwark of Religion; but, as we have said, no ways intending thereby to pass our bounds, in prescribing, and setting down Rules and Limits to His Majesty, and the Two Houses of Parliament, their Wisdom and Authority, in the way of prosecution thereof. The sense we have of the great Calamities, and irreparable Evils, which upon occasion of these unhappy Distractions and Mistakes betwixt the Kings Majesty and the Two Houses of England, (which if not speedily removed cannot but produce the fearful and prodigious effects of a bloody and Civil War) obligeth us in the duty of Christians, and as feeling members of what may concern our Common Head, the Kings Majesty, and the Good and Happiness of our Brethren of England, humbly to represent to your Lordships, That as we will not be wanting with our Prayers, and our faithful and best Endeavours, to assist in the removing of these unhappy Mistakes and Misunderstandings: so we heartily wish, and humbly Petition your Lordships, that from the deepness of your Wisdom such happy Motions may flow, as upon that tender care of our Sovereigns Person and Authority, Peace and Truth may be settled in all His Majesties Dominions. Although we will not presume nor take upon us, to prescribe Laws and Rules to your Lordships, yet in all Humility we intreat your permission, to represent such Particulars as we conceive, and are very confident, will conduce much to the removing of all these Mistakes betwixt His Majesty and His Two Houses of Parliament, and be a ready mean to facilitate a happy and wished Peace, and continue the Brotherly Union between the Two Kingdoms.

And first, that in answering the foresaid Petition your Lordships may be pleased to do no Act, which may give His Majesty just occasion to repent him of what Trust he so Graciously expressed (in his Letter of the Date the fifth of December) He reposes in us His Subjects of His Ancient and Native Kingdom; for we cannot think, that our Brethren in England, or any other, can believe, that the ground of this Mutual Union of the two Kingdoms, by the several and respective Unions to our Prince and Head, should weaken the strong Bond, whereby it is knit, and by which we are so firmly tied, by so many Ages, and unparallelled lineal descents of an hundred and seven Kings. Neither can we suppose, that any good Protestant, or true member of our Church, can imagine, far less seduce others to believe, that by the late Treaty of Peace, or Act of Union, we as Scottish Subjects are in any sort liberated from the Dutiful Obedience, which as Scottishmen we owe to our Scottish King, or from that due Loyalty, which as Scottish Subjects we owe to our Native Sovereign, for Maintenance of His Person, Greatness and Authority; or that thereby, we are in any other Condition in these

necessary Duties to our Sovereign, than we and our Ancestors were, and have been, these many Ages and Descents, before the making of the said Act, or before the Swearing and Subscribing of our late Covenant, by which we have solemnly sworn, and do swear not only our mutual Concurrence, and Assistance for the cause of Religion, and to the utmost of our power, with our Means and Lives, to stand to the Defence of our Dread Sovereign His Person and Authority, in the preservation of Religion, Liberty, and Laws, of this Church and Kingdom; but also in every Cause, which may concern His Majesties Honour, we shall according to the Laws of this Kingdom, and Duty of Subjects, concur with our Friends and Followers in quiet manner, or in Arms, as we shall be required of His Majesty, or His Council, or any having his Authority.

Secondly, That if your Lordships think it fitting, to make any answer to the Parliament of England their Declaration, your Lordships may be pleased not to declare, enact, or promise, any thing which may trouble or molest the Peace of this Kirk and Kingdom; which by Gods special Grace, and His Majesties Favour and Goodness, we enjoy and have established unto us according to our Hearts desire, by the Laws Ecclesiastical or Civil of this Kingdom respective, and which His Majesty since, by so many Declarations and deep Protestations hath Sworn to maintain inviolably.

Thirdly, That your Lordships may be pleased to consider, that as nothing will more diminish His Majesties Greatness, than that this Kingdom should consume in Civil War; so nothing will more conduce to the Suppressing of Insolent Papists, malignant, schismatick, and Disloyal Brownists, and Separatists, the special, if not the sole promoters of these unhappy Misunderstandings, than that heartily and freely, without respect of worldly and secondary Considerations, we give to Christ what is Christ's, and to Caesar what is Caesar's; by means whereof, the Truth and Purity of Religion shall be established, to the utter Confusion of all these Sectaries, true Monarchical Government firmly settled; by which likewise, Laws and Authority shall retain their ancient vigour and force, to the Suppression of all Commotions and tumultuous Conventions, the bane and overthrow of all true Religion and Policy.

Fourthly, Although there be nothing farther from our minds, than to presume to question, or crave of your Lordships an account of your Actions, knowing perfectly by the inviolable Laws and Customes of this Kingdome, that to be only proper and due to the King and Parliament, from whence you have that great Charge and Trust delivered unto you: yet we hope your Lordships will give us leave, in all Humility to remember your Lordships of your Deliverance, June 1642, and are confident, that the said Lords, the Petitioners, neither have, nor shall have, necessity to trouble themselves, nor the Council with Supplications of this kind, and that your Lordships in your Wisdom will take some Course for preventing all occasions, which may in any sort disturb the Peace of this Kingdom, or make Division among the Subjects thereof.

1643.—February.

12. *Answer by the King to the Scots Commissioners at Oxford.\**

His Majesty commends the Zeal of the Petitioners for the advancement of the true Reformed Religion,

\* Burnet, p. 210.



against Heresy, Popery, Sects, Innovations, and Profanity, and always shall use His best and uttermost endeavours, for the Advancing the one, and the utter Suppressing the rest.

For the Unity in Kirk-Government, His Majesty knows, that the Government now established by the Laws, hath so near a relation and intermixture with the Civil State, (which may be unknown to the Petitioners) that till a composed digested Form be presented to him, upon a free debate by Both Houses of Parliament, whereby the Consent and Approbation of the whole Kingdom may be had, and He and all His Subjects may discern what is to be left, or brought in, as well as what taken away, He knows not how to consent to an Alteration, otherwise to such an Act for the ease of Tender Consciences, in the matter of Ceremonies, as His Majesty hath often offered.

And His Majesty hath formerly expressed Himself (and still continues) willing, that the Debates of Religion may be entred into by a Synod of Learned and Godly Divines, to be regularly chosen, according to the Laws and Customs of this Kingdom; to which end His Majesty will be very willing, that some Learned Divines of the Kirk of Scotland may be likewise sent to be present, and offer their Reasons and Opinions.

1643.—April 19.

13. *Last Answer by the King to the Scots Commissioners.\**

It is acknowledged by His Majesty, that if any one of the Articles of Treaty had been broken or violated, (as His Majesty doth not so much as see pretended) or any Debate or Difference had risen thereupon, (about which there is now no Dispute) the Commissioners had then been not only warranted, but obliged to have laboured to prevent all Troubles and Divisions, which might arise by such a Breach to the disturbance of the Common Peace, and to remove and compose all such Differences, according to such Power as was granted to them: but till His Majesty be satisfied, that Authority (by some Law) is given to the Commissioners for Conserving the Articles of Treaty, to represent His Majesties Native Kingdom of Scotland, in this Offer of Mediating for a desired and blessed Pacification here; His Majesty cannot see how the pious, dutiful, provident or charitable, Concernment of that Kingdom in the Calamities of this, or their Sympathy and sense of the Troubles of their Head, and fellow-Subjects, can interest the Commissioners, any more than any other of His good Subjects of that Kingdom, to bestir themselves in Matters of that kind: or why any such Endeavours should be by any (much less universally) expected from them; so far is he from seeing that any undecidable Necessity constrained them to it. And since the express words of the Act of Pacification it self are, that the Power of the Commission shall be restrained to the Articles of Peace concluded in the Treaty, His Majesty cannot but wonder, whence they can pretend any Obligation or Authority to meddle with, or press him concerning any such Articles, as are not included, but still left dependant, how important soever they suppose them to be, (even to the Common Peace :) And it giving them only liberty to convene to that effect among themselves, or with the Commissioners chosen by His Majesty with consent of the Parliament of

England, and restraining them in all their Proceedings to the Power granted to them, in manner aforesaid and no otherwise, as clearly intending to restrain all Power that might be pretended to by any Inferencees, Analogies or Consequences (how manifest soever they might appear) and requiring them to consist of the number of Twelve, and not giving them Power to delegate a smaller number; His Majesty cannot consent, That that number the Laws allow not (that is, Three) should address themselves to those the Law hath not appointed them (this is, Both Houses) not only concerning that which the Law intrusted not to them, (as a Pacification here) but even concerning that from which the Law expressly restrains them, that is, one of the Articles of the Treaty no way concluded, or agreed on, but expressly reserved by the Parliament to be considered in due time, that is, in their own time, concerning Church-Government, the intermixture of which with the Civil State, as His Majesty still conceives to be very great, and of very high Concernment, and not to be understood by the Commissioners, who have not the knowledge of the Laws and Policy of this Kingdom; so His Majesty is confident, (notwithstanding the Declaration, and Bill abolishing the Order of Bishops) that if they well knew, how generally any thing of that kind was opposed whilst the Houses continued full, and how the Major part of both Houses were absent at the passing of that Declaration and Bill, (in so much that His Majesty, is credibly informed, that there were not above five Lords present when the Bill past) and what violent and tumultuous Assemblies had occasioned so great and unusual Absence, they would be confident, as he is, that in a full and peaceable Convention of Parliament, Both Houses will appear to be of the same opinion with His Majesty in this Particular, and to have in that the same thoughts of the Law and Policy of this Kingdom.

His Majesties care that the deluge of the Troubles of this Kingdom affect not that with the danger of the like, is very visible to all the World. His Majesty out of His great desire of continuing them in Peace and Tranquillity, not desiring any assistance from them, even for his own Preservation. And whoever doth desire any Commotion there, to assist their Rebellious and Invasive Armes here, will (He hopes) be lookt upon as the Troublers of Peace, and as Incendiaries labouring to lay foundations of perpetual Hostility betwixt the Two Kingdoms. And then (for ought His Majesty can see) there will be no cause to expect any Commotions there, and such Dangers will rather prove imaginary than real, though the Conservatours of the Treaty contain themselves within their Legal and proper Bounds. His Majesty wonders, that since His approbation of their Mediation was desired when His Safe-conduct was asked, and the first was not given, when the latter was, that it should not have been easily seen by these Proceedings of His Majesties, that as He never granted the first, (as seeing no Authority they had for such a Mediation) so He only at last granted the other, as being contented to hear what they could say to Him upon that Point, either as private persons, or to give Him better satisfaction than He could give Himself, what Right they could pretend to any Publick Capacity of that kind: but having heard all they have offered, and not finding any thing that warrants them in this, in any special manner above His Majesties other Subjects, His Majesty cannot with reason admit of any Private Persons whatsoever into such a Publick Capacity, nor with His own Dignity, and that of this Nation,

\* Burnet, p. 213.



can allow His Subjects of another Kingdom, not authorized by any Law, to make themselves (under the title of a Mediation) Umpires and Arbitrators of the Differences here.

For the Calling of a Parliament in Scotland, His Majesty desires to know what Promise of His it is, which they mention Him to have particularly expressed to His late Parliament. The Law which His Majesty then Graciously past concerning that Point, His Majesty well remembers, (and will justly, punctually, and religiously observe it, together with all the rest consented to by Him,) that the Parliament there shall convene upon the first Tuesday of June, 1644. And, according to the same Act, will appoint one betwixt this and that Day, if His Majesty shall think fitting; who as He is by that very Law expressed to be sole Judge of that Convenience, so the Commissioners are neither by that, nor any other Law, entrusted, or enabled to Judge thereof.

At Oxford, 19<sup>th</sup> of April,  
1643.

1643.—April 21.

14. *Letter from Hamilton to the Queen.\**

MAY IT PLEASE YOUR MAJESTY,

There is as yet small or no Alteration in the Condition of Affairs in the Country, since I presumed to trouble Your Majesty last; nor do I believe there will be any till the fourth of May, at which time it is probable, the final Resolution of the Council and Commissioners for Conserving the Articles of the Treaty will be taken. It is still conceived, that His Majesties absent Servants would be of great use at that time; and the uncertain knowledge, if they will come or not, keeps us that are here, from a positive Resolution what course to take therein; therefore I humbly beseech Your Majesty, let us know if by appearance we may expect them or not.

There is a general noise, as if the Lord Chancellor and the rest of the Commissioners, were not only kept as Prisoners, but in some further Danger. By Mungo Murray Your Majesty was advertised, that it was conceived fit, that seeing those that sent them had so positively recalled them against the fourth of May, they should be dispatched against that Time. In our opinions there was no Danger now to be apprehended by their Home-coming, but there would arise great Inconveniences if they should be detained: of that same Judgment we continue to be still.

We do likewise humbly intreat, that we may know, if what was proposed to Your Majesty by my Lord of Traquair, Mr Murray, and myself, be come to His Majesties knowledge: and if we may expect the signification of his Pleasure, against the fourth of May, in these Particulars, which we exceedingly wish.

By the Lord Montgomery Your Majesty will know, how far the General hath promised his best Endeavours, that His Majesty shall receive no prejudice from the Army under his Command in Ireland; the same he hath confirmed to me with deep Protestations, and truly I take him to be a man of that Honour that he will perform it.

But the Truth is, it will be a Work of great difficulty to keep these Men there any time, seeing there is little appearance that Money will be got

from the Parliament of England, and how to raise any considerable Sum here, as yet we see not; so even in this we desire to know Your Majesties Pleasure and Directions, what Course will be fittest to be taken; and if Your Majesty shall find it expedient, that we engage our Fortunes for their Supply, many of us will do it to the last Penny, and none more readily than,

May it please Your Majesty,  
the humblest, most faithful, and most  
obedient, of all Your Majesties Servants,  
HAMILTON.

Peebles, 21<sup>st</sup> April,  
1643.

1643.—April 21.

15. *Instructions by the King to the Marquis of Hamilton and others.\**

CHARLES R.

Instructions to Our Right Trusty and Well-beloved Cousins and Councillours, James Marquis of Hamilton, William Earl of Morton, William Earl of Glencairn, Robert Earl of Roxburgh, George Earl of Kinnoull, David Earl of Southesk, William Earl of Lanerick.

I. That you endeavour by all fair and lawful Means to prevent Division among Our Subjects in Scotland.

II. That you give all the Assurances in Our Name which can be desired, of Our Resolution to preserve inviolably the Government of that Kingdom, as it is now established by Assemblies and Parliaments.

III. That you take what Courses you shall think most fit, for causing Print and Publish, either in Scotland or at York, Our Declarations which We now send with you to that Our Kingdome, and all such other Papers as We shall hereafter send thither, or which you shall conceive may conduce to the good of Our Service; and for that purpose, make use of such Blanks as We have thought fit to entrust you with.

IV. That seeing We perceived by Pickering's Letters, Our Two Houses of Parliament intend to send Commissioners or Agents to Scotland, you shall endeavour by all fair Means, to hinder any of Our Judicatories to Treat with them, and for that purpose make use of any of the aforesaid Blanks.

V. That seeing We conceive it would exceedingly conduce to the good of Our Service, that the Lords of Session would explain the Commission granted by Us and Our Parliament to the Conservators of the Treaty, you shall for that purpose likewise make use of the foresaid Blanks, either to them all in general, or to such of them in particular as you shall think most fit.

VI. That you endeavour to hinder the liberty which (possibly) Ministers may take to themselves in the Pulpits, of Censuring Our Actions, or stirring up the People against Us, and to that purpose make use of the said Blanks to the Council or Commissioners of the Assembly, as you shall think necessary.

VII. That in case you apprehend any danger to Our Service from the Return of the Scottish Army in Ireland, you shall declare Our readiness, to contribute any thing which is in Our Power for the Maintenance thereof, even to the Engaging of Our Revenues in Scotland, for raising Moneys to be so

\* Burnet, p. 215.

\* Burnet, p. 219.



employed; and to that end you shall make use of the foresaid Blanks.

VIII. If you shall find it necessary, you shall likewise make use of some of the Blanks to the Council, declaring expressly Our Pleasure, That that Army shall not be recalled until We be acquainted therewith, and to the Earl of Leven, discharging him to obey any Orders whatsoever for that end, until he know Our further Pleasure.

IX. If you shall find it necessary, you shall make use of some Blanks to Our Council, recalling all former Commissions which have been granted, for Levying and Transporting of Men out of that Kingdom over to France or Holland.

X. You shall make use of these Blanks to some of Our Council and Exchequer, for discharging the Arrears, and disposing a plenary Right of the Annuities to those particular persons that have Petitioned Us thereabout, and to surcease all execution against all others until the 31<sup>th</sup> day of August next.

XI. You shall make use of these Blanks to such of Our Council and others, as you shall find fit, for encouraging them to attend the Meetings of Our Council, and to continue the Testimonies of their Affection to Our Service, with assurance of Our Resentment thereof.

XII. We do hereby authorize Our Secretary the Earl of Lanerick, by your advices to fill up these Blanks, and to Sign them with Our Court-Signet; and for his and your so doing, this shall be your Warrant.

C. R.

From Oxford the 21<sup>th</sup> April,  
1643.

1643.—April 21.

16. *His Majesties Declaration to all his loving Subjects in his Kingdom of Scotland.\**

CHARLES R.

As there hath been no mean left unattempted which the malice and wit of Rebellion could devise, to infect and poyson the Affections and Loyalty of Our good Subjects of Our Kingdom of England, and to withdraw their Hearts from Us by the most pernicious and desperate Calumnies, that could be invented to under-value and lessen Our Reputation with Foreign Princes, by Injuries and Affronts upon their Publick Ministers, and by presuming to send Agents qualified for Negotiation without Our Consent, and in truth, to expose Us, and Our Royal Authority to Scorn and Contempt, by assuming a Power over Us; so the pernicious Contrivers of these bloody Distempers have not delighted in any Art more than in that, by which they have hoped to stir up Our good Subjects of that Our Native Kingdom of Scotland to joyn with them, and to infuse in them a jealousy and disesteem of Our true Affection, and Our Gracious Intentions towards that Nation. To this purpose they have used great Industry to convey into that Our Kingdom, and to scatter and disperse there divers Seditious Pamphlets, framed and contrived against Our Person and Government, and have sent Agents of their own to reside there; and to promote their Designs, one of whom lately resident there, one Pickering, by his Letters of the 9<sup>th</sup> of January to Mr Pym, assures him of the Concurrence of that Kingdom, and that the Ministers in their Pulpits, do in downright terms press the Taking up of Arms, and in

another of his Letters to Sir John Clotworthy, sayes, that the Trumpet sounded to the Battel, and all cryed, Arm, Arm, with many other bold, scandalous, and seditious Passages, very derogatory from the Duty and Affection, which We are most confident Our good Subjects of that Our Native Kingdom bear to Us. To this purpose they traduce Us with raising and making War against Our Parliament, of having an Army of Papists, and favouring that Religion; of endeavouring to take away the Liberty and Property of Our Subjects: and upon these grounds they have presumed by a Publick Declaration to invite Our good Subjects of Our Kingdom of Scotland to joyn with them, and to take up Arms against Us their Natural Liege Lord. Lastly, to this purpose they endeavour, as well in Publick as by secret Insinuations, to beget an apprehension in them, that if We prevail so far here, as by the blessing of God to preserve Our self from the Ruine they have designed to Us, the same will have a dangerous influence upon that Our Kingdom of Scotland, and the Peace established there; and that Our good Laws lately established by Us for the Happiness and Welfare of that Our Native Kingdom will be no longer observed, and maintained by Us, than the same Necessity, which they say extorted them from Us, hangs upon Us, but that We will turn all our Forces against them: a Calumny so groundlessly and impiously raised, that if We were in any degree conscious to Our Self of such wicked Intentions, We should not only not expect a dutiful Sense, in that Our Native Kingdom, of Our Sufferings; but should think Our Selves unworthy of so great Blessings, and eminent Protection as We have received from the hands of the Almighty, to whom We know We must yield a dear Accompt for any Breach of Trust, or failing of Our Duty toward Our People.

But as We have taken special Care, from time to time to inform Our good Subjects of that Our Native Kingdom of the Occurrences here, particularly by Our Declaration of the 12<sup>th</sup> of August, wherein is a clear, plain Narration of the beginning and progress of Our Sufferings to that time; so the bold and unwarranted Proceedings of these Desperate Incendiaries, have been so publick to the World, that Our good Subjects of Scotland could not but take notice of them, and have observed, that after We had freely and voluntarily consented to so many Acts of Parliament, as not only repaired all former Grievances, but also added whatsoever was proposed to Us, for the future benefit and security of Our Subjects; insomuch as in truth there wanted nothing to make the Nation compleatly Happy, but a just sense of their own excellent Condition, a few discontented, ambitious, and factious Persons so far prevailed over the Weakness of others, that instead of receiving that return of Thanks and Acknowledgment, which We expected and deserved, Our People were poysoned with Seditious and scandalous Fears and Jealousies concerning Us; We were encountered with more unreasonable and importunate Demands, and at last were driven through Force and Tumults to flee from Our City of London, for the Safety of Our Life. After which We were still pursued with unheard-of Insolences and Indignities, and such Members of either House as refused to joyn in these unjustifiable Resolutions, were driven from these Councils, contrary to the Freedom and Liberty of Parliament, insomuch that above four parts of five of that Assembly was likewise forced, and are still kept from thence; Our Forts, Towns, Ships, and Arms, were taken from Us, Our Money, Reuts, and Revenues, seized and

\* Burnet, p. 221.



detained; and that then a powerful and formidable Army was raised and conducted against Us, (a good part of which was raised and mustered, before We had given Our Commissions for Raising One Man) that all this time We never deny'd any one thing, but what by the known Law was unquestionably Our Own; That We earnestly desired and pressed a Treaty, that so We might but know at what price We might prevent the Miseries and Desolation that were threatened; That this was absolutely and scornfully refused and rejected, and We compelled with the assistance of such of Our good Subjects as came to Our Succour, to make use of Our Defensive Arms for the Safety of Our Life, and Preservation of Our Posterity. What passed since that, Battel hath been given Us, Our Own Person and Our Children endeavoured to be destroyed, those unheard-of Pressures have been exercised upon Our poor Subjects by Rapine, Plundering, and Imprisonment, and that Confusion which is since brought upon the whole excellent Frame of the Government of this Kingdom, is the Discourse of Christendom. We are very far from making a War with or against Our Parliament, of which We Our Selves are an essential part: Our principal Quarrel is for the Privileges of Parliament, as well those of the Two Houses as Our Own; if a few Persons had not, by Arts and Force, first awed, and then driven away the rest, these Differences had never arisen, much less had they never come to so bloody a Decision. We have often accused those Persons against whom Our Quarrel is, and desired to bring them to no other Trial than that of the Law of the Land, by which they ought to be tried. As We have been compelled to take up these Defensive Arms for the Safety of Our Life, assaulted by Rebellious Arms, the Defence of the true Reformed Protestant Religion, scornfully invaded by Brownists, Anabaptists, and other Independent Sectaries, (who in truth are the principal Authors, and sole Fomenters of this unnatural Civil War) for the Maintenance of the Liberty and Property of the Subjects, maliciously violated by a vast unlimited Arbitrary Power, and for the Preservation of the Right, Dignity, and Privileges of Parliament, almost destroyed by Tumults and Faction: so what hath by Violence been taken from Us, being restored, and the Freedom of Meeting in Parliament being secured, We have lately offered (though We have not been thought worthy of an Answer) to Disband Our Army, and leave all Differences to the Tryal of a full and peaceable Convention in Parliament, and We cannot from Our Soul desire any Blessing from Heaven more, than We do a peaceable and happy End of these unnatural Distractions.

For the malicious groundless aspersion of having an Army of Papists; though in the Condition and Strait to which We are brought, no man had reason to wonder if We received assistance from any of Our Subjects of what Religion soever, who by the Laws of the Land are bound to perform all offices of Duty and Allegiance to Us; yet it is well known, that We took all possible Care, by Our Proclamations, to inhibit any of that Religion to repair to Us, which was precisely and strictly observed (notwithstanding even all that time We were traduced as being attended by none but Papists, when in a Month together there hath not been one Papist near Our Court) though great numbers of that Religion have been with great alacrity entertained by that Rebellious Army against Us, and others have been seduced, to whom we had formerly denied Employment, as appears by the examination of many Prisoners, of whom We have

taken Twenty and Thirty at a time, of one Troop or Company, of that Religion. What Our Opinion is of that Religion, Our frequent Solemn Protestations before Almighty God, who knows Our Heart, do manifest to the World; And what Our Practice is in Religion, is not unknown to Our good Subjects of that Our Native Kingdom. And as We have omitted no way, Our Conscience and Understanding could suggest, to be for the promoting and advancing the Protestant Religion; so We have professed Our readiness in a full and peaceable Convention of Parliament, to consent to whatsoever shall be proposed by Bill, for the better Discovery and speedier Conviction of Recusants, for the Education of the Children of Papists by Protestants in the Protestant Religion, for the prevention of the Practices of Papists against the State, and the due Execution of the Laws, and true Levying of Penalties against them; so We shall further embrace any just Christian Means to Suppress Popery in all Our Dominions, of which Inclination and Resolution of Ours, that Our Native Kingdom hath received good evidence.

For the other malicious and wicked Insinuations, that Our Success here upon the Rebellious Armies raised to destroy Us, will have an influence upon Our Kingdom of Scotland, and that We will endeavour to get loose from those wholesome Laws which have been enacted by Us there, We can say no more, but Our good Subjects of that Kingdom well remember, with what Deliberation, Our Self being present at all the Debates, We consented to these Acts: and We do assure Our Subjects there, and call God Almighty to witness of the uprightness and resolution of Our Heart in that point, that We shall always use Our utmost Endeavours, to defend and maintain the Rights and Liberties of that Our Native Kingdom, according to the Laws established there, and shall no longer look for Obedience, than We shall govern by the Laws. And We hope that Our zeal and carriage, only in Defence of the Laws and Government of this Kingdom, and the subjecting Our Self to so great hazard and danger will be no argument, that when the Work is done, We would pass through the same Difficulties to alter, and invade the Constitutions of that Our other Kingdom. We find disadvantages enough to struggle with in the Defence of the most upright, innocent, just Cause of Taking up Arms; and therefore, if We wanted the Conscience, we cannot the Discretion to tempt God in an unjust Quarrel. The Laws of Our Kingdom shall be always Sacred to Us; We shall refuse no hazard to defend them, but sure We shall run none to invade them.

And therefore We do conjure all Our good Subjects of that Our Native Kingdom, by the long happy and uninterrupted Government of Us, and Our Royal Progenitors over them, by the Memory of those many large and publick Blessings they enjoyed under Our dear Father, by those ample Favours and Benefits they have received from Us, by their Own Solemn National Covenant, and their Obligation of Friendship and Brotherhood with the Kingdom of England, not to suffer themselves to be misled and corrupted in their Affections and Duty to Us, by the cunning Malice and Industry of those Incendiaries and their Adherents, but to resist and look upon them, as Persons who would involve them in their Guilt, and sacrifice the Honour, Fidelity and Allegiance, of that Our Native Kingdom, to their private Ends and Ambition. And We require Our good Subjects there, to consider that the Persons who have contrived, fomented, and do still maintain these bloody Distractions, and



this unnatural Civil War, what pretence so ever they make of their Care of the true Reformed Protestant Religion, are in truth Brownists and Anabaptists and other Independent Sectaries; and though they seem to desire an Uniformity of Church-Government with Our Kingdom of Scotland, do no more intend, and are so far from allowing the Church-Government by Law established there (or indeed any Church-Government whatsoever) as they are from consenting to the Episcopal: and We cannot but expect a greater sense of Our Sufferings, since the obligations We have laid on that Our Native Kingdom, are used as arguments against Us here, and Our free consenting to some Acts of Grace and Favour there (which were asked of Us by reason of Our necessary residence from thence) have encouraged ill-affected Persons, to endeavour by Force to obtain the same here where We usually reside. To conclude, We cannot think that Our good Subjects there will so far hearken to the Treason and Malice of Our Enemies, as to interrupt their own present Peace and Happiess; and God so deal with Us and Our posterity, as We shall inviolably observe the Laws and Statutes of that Our Native Kingdom, and the Protestations We have so often made, for the Defence of the true Reformed Protestant Religion, the Laws of the Land, and the Just Priviledges and Freedom of Parliaments.

1643.—May 12.

17. *Letter from the Privy Council to the King.\**

MOST DREAD SOVEREIGN,

The extreme necessity of the Army, sent from this Kingdom by Order from Your Majesty and the Parliament here, against the Rebellion in Ireland; the want of Means for their necessary Supply, through the not payment of the Arrears and Maintenance due to them by the Parliament of England; the delay of the Payment of the Brotherly Assistance, so necessary for the relief of the Common Burdens of this Kingdom, by reason of the unhappy Distractions in England, and the sense of the danger of Religion, of Your Majesties Royal Person, and of the Common Peace of Your Kingdoms, have moved Your Majesties Privy Council, the Commissioners for conserving the Peace and Common Burdens, to joyn together in a Common Meeting, for acquitting our selves in the Trust committed to us by Your Majesty and the Estates of Parliament; and having found after long Debate, and mature Deliberation, that the Matters before-mentioned are of so Publick Concernment, of so deep Importanee, and so great Weight, that they cannot be determined by us, in such a way, and with such hope of Success, as may give satisfaction to Your Majesty, serve for the good of this Your Majesties Kingdom, and as may make us answerable to the Trust committed to us by Your Majesties Parliament; We have been constrained to crave the advice and resolution of a Convention of the Estates to meet June 22<sup>th</sup>, which, as according to the obligation and duty of our Places we are bound to shew Your Majesty, so do we humbly intreat, that against the Time agreed upon by Common Consent, Your Majesty may be Graciously pleased to acquaint us with Your Pleasure and Commandments, that Matters may be so determined, as may most serve for the Honour of God,

\* Burnet, p. 218.

Your Majesties Service, and Well of Your Kingdoms; which now is, and ever shall be, the earnest desire and constant endeavour of

Your Majesties faithful and humble  
Subjects and Servants,

Lowdon, *Cancellarius*,

Leven,	Gibson-Dury,	T. Raffrerland,
Argyle,	T. Myrton,	T. Bruce,
Cassilis,	Tho. Hope,	J. Smith,
Dalhousy,	A. Johnstoun,	Edward Edgar,
Lauderdale,	T. Hepburne,	J. Binny,
Balmerino,	J. Hamilton,	W. Glendonning,
Yester,	J. Home,	Hugh Kennedy,
Burghley,	T. Wauehop,	G. Gourdon.
Balcarras,		

Edinburgh, 12<sup>th</sup> May,  
1643.

1643.—May 18.

18. *Lanerick's Account of Affairs to His Majesty.\**

MAY IT PLEASE YOUR MAJESTY,

I shall here Humbly presume to let Your Majesty know, that before any of Your Scottish Servants, who lately parted with Your Majesty at Oxford, could possibly come hither, the Chancelour had made his Report to the Council and Conservatours of the Treaty, and Mr Henderson to the Commissioners of the General Assembly, of their Employments to Your Majesty, where Your Answers to their Desires were found not satisfactory, and thereafter Your Majesties Council, Commissioners for the Treaty and Common Burdens, having joyned together for giving of Security, for such Moneys as should be levied, for the Maintenance of Your Majesties Scottish Army in Ireland, they thought fit (without admitting of any delay until Your Majesties Pleasure were known) to call a Convention of the Estates, as their several Acts and Proclamations to that effect (here inclosed) will more particuarly shew Your Majesty.

And for the present Your Majesties Servants, who came lately hither, having only met with three or four of those whom Your Majesty appointed them to consult with, have thought fit to advise with some others of the same Affection and Forwardness to Your Majesties Service, before they presume to give Your Majesty any advice upon the present Occasions, being matters of so great Weight, and so highly concerning Your Majesties Service: but they have taken the readiest and most speedy Course they can think upon, for Meeting and Consulting with them; and thereafter are immediately to return hither, from whence they will with all diligenece offer unto Your Majesty their humble Opinion. In the mean time I have dispatched Your Majesties Letters to such Noblemen and Burroughs, as your Majesty was pleased to direct me, shewing Your Resolution of preserving here what you have been pleased so Graciously to establish in Church and State, not having been able to deliver Your Majesties Letter to Your Council, who were dissolved before my coming, and my Lord Chancelour is gone out of Town, without whose Appointment there can be no extraordinary Meeting; so that I believe Your Majesties Gracious Declaration to Your Scottish Subjects cannot be published before that time; nor till then can I be able to give Your Majesty any further account of Your Affairs here, though in the mean time I shall

\* Burnet, p. 225.



study to serve Your Majesty faithfully, according to the Duty of Your Majesties

Most humble and most faithful, and most obedient Subject and Servant,  
Edinburgh, 18<sup>th</sup> May, 1643. LANERICK.

1643.—May 22.

19. *Letter from the King to the Council anent the Contention.\**

CHARLES R.

Right Trusty and Right well-beloved Cousins and Councillours, and Right Trusty and well-beloved Councillours, We Greet you well.

We are much surprized at Your Letter of the 12<sup>th</sup> of this Moneth, whereby it seems you have given order for the Calling of a Convention of the Estates of that Our Kingdom without Our Privy or Authority: which, as it is a business We see no reason for at present, and that hath never been done before but in the Minority of the Kings of Scotland, without their Consent; so We cannot by any means approve of it, and therefore We command you to take order that there be no such Meeting, till you give Us full satisfaction of the Reasons for it.

Given at Our Court at Oxford, 22<sup>th</sup> May, 1643.

1643.—May 22.

20. *Letter from the King to Lanerick.†*

CHARLES R.

Right Trusty, and Right well-beloved Cousin and Councillour, We Greet you well.

We have herewith sent you Copies not only of the Letters We lately received from Scotland, but also of Our several Letters to Our Chancellour and Council there, the Originals whereof We leave to your Discretion, to deliver and make use of as you shall find best for Our Advantage: but for the Business it self, We have heretofore so fully declared to you Our Own Opinion therein, as We need say no more of that Subject to you.

We observe in the Letter to Us, that there are but eleven Councillours Names to it, and that none of those that are best-affected have subscribed it; and We find that as great, or a greater number of Councillours, Persons of great Quality, Place, and Trust, have not subscribed to it.

Given at Our Court, at Oxford,  
22<sup>th</sup> of May, 1643.

1643.—May 29.

21. *Letter from the King to Lanerick.‡*

CHARLES R.

Right Trusty, and Right well-beloved Cousin and Councillour, We Greet you well.

The Earl of Lindsay coming hither from London, hath assured Us, that the Cause of the Two Houses sending into Scotland, to have the Lords that went hence sequestred, was, the Intercepting of their Letter sent to Our Dearest Consort, the Queen, and nothing else.

We perceive by the Copy of the Resolutions you sent Us, with what Prudence, and Loyal Courage, your Brother Hamilton and the Lord Advocate opposed at Council there, the Order for Calling a

Convention of the Estates for which We would have you to give them Our particular Thanks. You and others of Our Council there, know well, how injurious the Calling of a Convention of Estates, without Our Consent, is to our Honour and Dignity Royal; and as it imports Us, so We desire all Our well-affected Servants to hinder it what they may; but shall leave it to them, to take therein such Course, as they shall there upon advice conceive best, without prescribing any way, or giving any particular Directions. If notwithstanding Our Refusal, and the endeavours of our well-affected Subjects and Servants to hinder it, there shall be a Convention of the Estates, then We wish that all those who are right-affected to Us, should be present at it; but to do nothing there, but only Protest against their Meeting and Actions. We have so fully instructed this Bearer, that for all other Matters We shall refer you to his Relation, whereto We would have you to give credit.

Given at our Court at Oxford, the  
29<sup>th</sup> of May, 1643.

1643.—June 5.

22. *Message to the King from his Friends in Scotland.\**

A Convention was indicted by the Chancellour, and such others of the Council as have signed His Majesties Letter thereabout, with the Advice and Concurrence of the Committees for conserving the Treaty and Common Burdens to be kept at Edinburgh the 22<sup>th</sup> of June: whereby it is conceived His Majesty suffers exceedingly in His Regal Authority, in the Calling thereof without his Special Warrant. A Proclamation for the Indicting thereof is likewise issued forth in His Majesties Name, expressing a danger to Religion, His Majesties Person, and the Peace of this Kingdom, from Papists in Arms in England, which in that appears to be contrary to His late Declaration sent to Scotland.

Hereupon divers Noblemen and Gentlemen well-affected to His Majesties Service met at Edinburgh, and after three or four days Debate, considering the exigency of Time, the present posture of Affairs, and the disposition and inclination of the People of this Country, did not conceive it fitting, that His Majesty should absolutely discharge that Meeting, (which certainly would be kept notwithstanding of any Discharge from Him, which would both bring His Authority in greater Contempt, and lose more of the Affections of the People, whereby the Power of His Majesties Servants would be lessened) but rather that His Majesty should so far take notice of the Illegal Calling thereof, and His Own Suffering thereby, that the same remaining upon Record may be an evidence to posterity, that this act of theirs can infer no such Precedent for the like in the future; but afterwards His Majesty, or His Successors, may legally question the same. And that His Majesties Servants here may be better enabled, and strengthened with the assistance of others of His Majesties faithful Subjects, who truly and really intend nothing but the Security of Religion as it is here established, and are altogether averse from and against the Raising of Arms, or Bringing over the Scottish Army in Ireland, whereby His Majesties Affairs, or their own Peace may be disturbed—they conceive it fit, that His Majesty should permit this Convention to Treat, and conclude upon such Particulars, as may secure their Fears from any danger of Religion at home, without interesting

\* Burnet, p. 230, and Register of Secret Council.

† Ibid, p. 230. ‡ Ibid, p. 231.

\* Burnet, p. 226.



themselves in the Government of the Church of England. And in respect that the Two Houses of Parliament have not sent Supplies for Entertaining the Scottish Army in Ireland, whereby they may have some colour or ground for recalling them, it is conceived necessary, that this Convention should have a Power from His Majesty, to advise and resolve upon all fair and Legal wayes for Entertaining the said Army still in Ireland, and for recovering payment of the Brotherly Assistance: providing always, that in the doing thereof no Resolution be taken for Levying of Forces, or doing any Act, whereby this Kingdom, or any part thereof, may be put in a posture of War, or under any pretence to bring over the Scottish Army in Ireland, or any part thereof, without special Warrant from His Majesty; wherewith if such as shall meet at this Convention rest not satisfied, His Majesties Servants here are resolved to Protest, and adhere to these Grounds, and to oppose all other derogatory to His Majesties Authority, or prejudicial to His Service.

1543.—June 10.

23. *The King's Letter to the Convention of Estates.\**

CHARLES R.

Right Trusty, and well-beloved Cousins and Councillours, &c.

We have received a Letter dated the 22<sup>th</sup> of May, and signed by some of Our Council, some of the Commissioners for Conserving the Articles of the late Treaty, and of the Commissioners for the Common Burdens: and though it seem strange unto Us, that those Committees should Sign in an equal Power with Our Council, especially about that which is so absolutely without the limits of their Commissions; yet We were more surprized with the Conclusions taken at their Meetings, of Calling a Convention of the Estates without Our special Warrant, wherein Our Royal Power and Authority is so highly concerned, as that We cannot pass by the same, without expressing how sensible We are of so Unwarrantable a way of Proceeding; and if We did not prefer to Our Own unquestionable Right the Preservation of the present happy Peace within that Our Kingdom, no other Consideration could move Us to pass by the just Resentment of Our Own Interest therein. But when we consider to what Miseries and Extremities Our Scottish Army in Ireland is reduced, by reason that the Conditions agreed unto by Our Houses of Parliament for their Maintenance, are not performed; and likewise the great and heavy Burdens, which We are informed Our Native Kingdom lies under, by the not timely payment of the Remainder of the Brotherly Assistance due from England, contrary to the Articles of the late Treaty; and withall remembring the Industry, which We know hath been used upon groundless Pretences, to possess Our Scottish Subjects with an Opinion, that if God should so bless Us here in England, as to protect Us from the Malice of Our Enemies, Religion, and the now-established Government of Our Native Kingdom, would be in danger: We (laying aside all Consideration of Our Own particular) resolve on Our part, to endeavour by all possible means to prevent all colour or ground of Division betwixt Us and Our good Subjects of Scotland; and therefore do permit you to Meet, Consult, and Conclude upon the best and readiest ways of Supplying the present wants of Our Scottish Army in Ireland, and providing for their future

Entertainment there, until some solid Course be taken for recovering of the Arrears due to them, and for their constant Pay in time coming, according to the Conditions agreed upon in the Treaty; as also to advise upon the best way of Relieving the Publick Burdens of that Our Kingdom of Scotland, by pressing, by all fair and lawful means, a speedy Payment of the Remainder of the Brotherly Assistance due from England; as likewise to prevent the Practices of such as study to entertain in this Our Kingdom groundless Jealousies and Fears of Innovation of Religion or Government, the Preservation whereof (according to Our many Solemn Protestations) shall ever be most Sacred to Us; providing always, that in doing these things, nothing be done which may tend to the Raising of Arms, or Recalling Our Scottish Army, or any part thereof, from Ireland, but by Order from Us, and Our Two Houses of Parliament, according to the Treaty agreed upon to that effect: and We do require you, to limit your Consultations and Conclusions to the foresaid Particulars. And as by this, and many other Our former Acts of Grace, and Favour to that Our Native Kingdom, it clearly appears how desirous We are of preserving their Affections, and preventing all occasions of Mistakes betwixt Us and them; so We do expect, that your Proceedings at this time will be such, as may shew your tender Care of Us and Our Greatness, which by so many Oaths and Obligations you are tied to preserve.

Given at Our Court at Oxford,  
the 10<sup>th</sup> of June, 1643.

24. *List of Documents bearing reference to the Church, from the 8th November 1641 to the 2d November 1643.*

The importance and consequences of the proceedings in the Convention of Estates and General Assembly, which were held in Scotland in the summer and autumn of the year 1643, render it proper to supply a considerable number of collateral documents connected with the movements of these bodies; and, amongst other sources of information, the Register of Privy Council has been consulted for this purpose. There are some Minutes, &c., in that record, which it is unnecessary to transcribe fully. In order, however, to present a connected view of recorded occurrences from the most authentic source, it seems expedient to prefix, in chronological order, the titles and dates of the several minutes of meetings at which important deliberations took place; and, for this purpose, there is subjoined a note of these, from the time that the Privy Council was new modelled, in 1641, till the close of the year 1643. This will serve as a key to the reader in the perusal of the other documents referable to the period, which are subjoined, and thus preserve a distinct impression of the series of events connected with the Acts of the Church.

1641.

November 8. Admission of Councillors named by the King, with consent of the Estates.—Archibald Primrose's admission as Clerk of Council.

1642.

April 9. The Parliament of England's Declaration to the Council of Scotland.—His Majestie's Instructions anent the Declaration foresaid.

\* Burnet, p. 231.



*April 22.* Declaration to the King and Parliament of England.

*May 20.* His Majesty's Declaration for maintenance of true religion.—Declaration of the Parliament of England to the Council.

*Ultimo Maii.* Petition of Noblemen anent troubles, &c.

*June 1.* The Council's Answer to the Petition.

*June 2.* The Council's Answer to the King's Majesty.—Act ordaining the husband to be answerable for his wyff being a Papist, and several Acts against Papists.

*July 12.* The Earl of Leven admitted General.

*August 18.* The Council's desire to the Parliament for unity of religion in the three kingdoms.—Commission for Kirk Discipline.

*September 21.* Answer of the Parliament anent unity of Religion, (vide Acts.)—His Majesty's Letter anent the stay of the Commissioners in London, and Answer of Council thereto.

*September 29.* The Council's Reply to the Parliament of England.

*November 3.* His Majesty's Letter anent joining with the Parliament in Kirk Government.

*November 25.* Parliament of England's Declaration of the 20th October.

*December 20.* Parliament of England's Declaration of 7th November.—His Majesty's Letter concerning the said Declaration.—Not fitting to print the Parliament's Declaration.

1643.

*January 10.* Anent printing of papers—"it was resolved, that the printing is no approbation."

*January 13.* Petition from the Commissioners of the Kirk.

*January 17.* Recommendation to the Commissioners of the Kirk anent concurring with the Commissioners of the Peace to the King's Majesty to remove Episcopacy.

*January 19.* Petition from the Kirk.

*February 16.* Anent the Petition against the annuities of Tithes.

*March 29.* Horning against Excommunicants.

*May 12.* Indiction of a Convention upon the 22d of June.—Marquis of Hamilton's Declaration, that no meeting of the Estates be called without his Majesty's Special Warrant had to that effect.—The Lord Advocate's Declaration adhering thereto.—Letter to his Majesty concerning the Convention.

*June 1.* His Majesty's Missive and Declaration, 21st April.—Lord Chancellor's Declaration.

*June 20.* Production of the Treaty anent Ireland.

*October 18.* Act for subscribing the Mutual League.

*November 2.* Covenant subscribed (Solemn League and Covenant) by Councillors.

characteristics from the spirit that animated the Church Assemblies of the period.

The most important document that emanated from the Assembly of 1643 was the Solemn League and Covenant, which became thenceforward the grand pivot on which all the affairs in Church and State of both kingdoms turned. Immediately after being sanctioned by the Assembly, it was carried to London for the concurrence of the English Parliament and Westminster Convention of Divines, which had been convoked without the Royal sanction. It was presented to both Houses of the English Parliament on the 28th of August, and to the Assembly of Divines; and, after some discussion, it was approved by the Westminster Assembly, and by the House of Commons, the members of which were ordained to subscribe it, and all the people required to sign it, under the penalty of being deemed "malignants." It was subsequently, on 25th September, 1643, signed and sworn to by both Houses of Parliament, the Westminster Divines, the Scotch Commissioners, and a multitude of others, with circumstances of great ceremony and religious manifestations, in St Margaret's Chapel, Westminster, and with this sanction returned to Scotland, where it was hailed as a symbol of national triumph. The 13th of October was appointed for its final adoption; and the Commission of the Church, the Committee of the Estates, and the English Commissioners assembled in one of the churches of Edinburgh, and, with the usual devotional solemnities, and many indications of gladness, it was signed and sworn to by these parties. On the 22d of October, the Committee of Estates issued an edict, requiring all the subjects of Scotland to subscribe, and threatening the recusants with punishment as enemies of religion, of his Majesty's honour, and of the peace of the kingdoms. The Lords of the Scotch Council were imperatively commanded to appear on the 2d of November, and take the new Covenant; and Hamilton, Lanerick, and others, having failed to give obedience to these mandates, they were proclaimed enemies to God, to the King, and to the country; their estates were confiscated, and soldiers sent to seize their persons, and put to death all who might oppose them in the performance of this task. The proscribed parties, in some instances fled, but many were constrained to comply with these ordinances.

In pursuance of this League, the Scotch proceeded to aid by the sword in the extirpation of Popery and Prelacy in England; and before the end of November, 1643, the Scottish army was again in full force under the command of old Leslie, now Earl of Leven, as General; Baillie, Lieutenant-General of foot; and David Leslie as Lieutenant-General of horse. On the 19th of January, 1644, this army, consisting of 18,000 foot, and 3,500 horse, raised their camp at Hairlaw, near Berwick, and once more crossed the Tweed and entered England. It is unnecessary to follow the course of military operations in England; but, on the 30th of January, 1644, a manifesto, in name of both kingdoms

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## THE GENERAL ASSEMBLY, AT EDINBURGH, 1644.

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THE Acts of the General Assembly of 1643 having now been presented to the consideration of the reader, not only in the most approved record of them by that Assembly itself, but illustrated by the hand of Baillie, we now proceed to notice the political and military events with which they were connected, and which, indeed, derived their chief



thus united in arms against their sovereign, was promulgated, declaring that their armament was sent to the field in defence of the religion, liberties, and laws of both kingdoms, against the Popish, Prelatical, and malignant party.\* And thus had the Presbyterian clergy of Scotland, with the co-operation of a large portion of its aristocracy, and the Puritans and Republicans of England, attained such an influence, by means of their League and Covenant, that they may safely be affirmed to have swayed the destinies of these kingdoms in the beginning of the year 1644; and the Commissioners from the Kirk to the Assembly at Westminster were enabled to transmit accounts, on the 20th of May, to the General Assembly, which met at Edinburgh on the 30th of that month, that could not fail to gratify their most sanguine wishes with respect to the extirpation of Prelacy, and all its appurtenances in England.† Baillie's "Confidential Letters," too, throw much light upon the arcana of the arrangements in the Westminster Assembly—the doctrinal standards of which are deserving of record, as still forming a part and parcel of the constitution of the Church of Scotland at the present day.

The Scottish Estates met in a few days after the Assembly convened, viz. on the 4th of June; and an abstract of the civil statutes applicable to our subject and the period, will be found among our illustrative documents.

## THE PRINCIPALL ACTS

OF THE GENERALL ASSEMBLY, CONVEENED AT  
EDINBURGH, MAY 29, 1644.

Die Jovis penult. Maii.—Sess. II.

*The Letter from the Presbyterie with the Army in  
England to the Generall Assembly.*

RIGHT REVEREND,

HAVING the opportunity of the sitting of this Venerable Assembly, we thought our selves obliged to render some account of the estate of our Affairs. It hath pleased the Lord to exercise us since our out-coming, with many straits and difficulties, yet in the midst thereof he hath wonderfully upheld and carried us through. The depth of his wisdom hath suspended us for a time from any great action, to make us walk humbly before him, and to keep us in a continuall dependance upon himself: And yet he hath by his own power scattered before us the great Popish Army, and much diminished the number thereof, so that they do not now appeare against us in the Fields; that all may learne to trust in GOD, and not in Man. It was farre from our thoughts and intentions to have come this length at that instant when the course of Divine Providence pointed out our way unto us, which led us on by some long and speedie marches to joyne with my Lord Fairfax and his Sonne their Forces. The

\* Vide Rushworth, vol. iv., part ii., p. 499; and Clarendon, vol. ii., part i., p. 383.

† Vide Letter among Acts.

City of York, wherein a swarme of obstinate Papists have taken sanctuary, is blocked up; now and then God favoureth us with successe in some enterprises about it, and we look for more if the time be come which he hath appointed for the deliverance of this People.

Our Soules do abhorre the treacherous attempts of our disnated Countrey-men, that have endeavoured to make their native Kingdome a seat of Warre, and our bowels within us are moved to think upon the maine mischiefs, if not tymeously prevented, that may follow upon the unnaturall Warres there; like unto these under which this Kingdome hath groaned for a long time. We have found none more malicious and cruell against us than these of our own Nation, and we measure those at home, by these here: Cursed be their rage, for it is fierce, and their anger for it is cruell. The present danger calls upon all to lay out of their hands what ever may hinder their haste, as one Man to come together for saving the Vine-yard that the wilde Boares would lay waste, and taking the Foxes that would destroy the Vines. You are, right Reverend, now set upon the highest Watch-tower, from whence you may discover the dangers that threaten on all coasts, and wee need not put you in minde to give warning to the Watchmen in their severall stations; to rouze up the People from their too great security; to call them to unfeigned Humiliation, and to stirre them up to wrestle with GOD by prayers that hee would preserve Truth and Peace at home against the machinations of Malignants; that hee would prepare the People here, and make them more fit to embrace the intended Reformation; and that hee would command these unnaturall and bloody Warres to cease, that Religion and Righteousnesse may flourish through the three Dominions, Praying GOD to send upon you the Spirit of truth, who may lead you in all truth. We remaine

Your loving Brethren, the Presbyterie of the  
Scottish Army in England,

Master ROBERT DOUGLAS,

Moderator, in their name.

Middle-thorp, 20 Maii, 1644.

*The Petition from the distressed Christians in the  
North of Ireland.*

To the Reverend and Honourable Moderator and remanent Members of the Generall Assembly of Scotland, convened at Edinburgh, in May, 1644. The humble Petition of the distressed Christians in the North of Ireland,

*Humbly sheweth,*

THAT whereas your former enlarged bounty, and our present overflowing straits would require a gratefull acknowledgement of the one, and a serious representation of the other: Our ease is such, as neither can be expected at our hands, being stricken with astonishment, and full of the furie of the Lord. We are these indeed who have seen affliction by the rod of his wrath: So that it were more fit, we had a Cottage in the Wildernesse amongst the Owles to mourn out our imbittered Spirits, then that by word or writ we should eompeere before any of his People: Although you cannot be wearied in wel-doing, yet we shall no way think it strange, if now you shall give over any more care of us; Seeing the Lord hath testified against us, and the Almighty hath afflicted us. Your judgement is with the Lord, and your reward is with God, not onely for your two years visiting and watering a barren vineyard, but also for your



zeale and care to have your Reformation spread amongst other opprest and borne-down Churches, whereof you have given an ample and famous testimony in sending hither that blessed League and Covenant which wee much desired and longed for, as by our Petitions to the Church and State of our Native Kingdome is knowne unto you ; which hath had a wished and gracious successe by the favour and blessing of God, accompanying the pains of these to whom the tendering thereof was intrusted by you. And we conceiving a chief part of our miserie to consist in our want of opportunitie to joyne our selves with the People of God in the foresaid League ; Esteeming our selves rejected of God and unfit to be joyned in any comfortable fellowship in the Gospel with them, when the said League and Covenant was presented to the Regiments ; Wee made bold to lay hold upon the opportunity (though afflicted abjects) and cheerfully and unanimously joyned our selves thereunto : That if wee perish in our misery, wee may die a Covenanted People ; and, if our miserable life be prolonged, we may finde shelter and refreshment under the shadow thereof in our fierie trials, confidently expecting from the Lord by our neerer conjunction with you than of before, an accomplishment of what is agreed into the Covenant, which ye bountifully expressed before we were one with you, to your never-dying commendation. We are nothing shaken in our minds with the odious aspersions of sedition, combination against the King, and overthrow of Municipal Laws, &c. (wherewith our Covenant is branded) nor with the threats of these who should be comfortable to us in our troubles : But are the more encouraged to beleve that God shall raise up the Tabernacle of David that is fallen, and repair the breaches thereof : For, since we Covenanted with God, and united our selves together, our dying Spirits have revived, and we sing like these who have come forth from their Graves, for God hath had mercy on Jacob : In testimony whereof he hath opened the bowels of the Churches of Holland, who were strangers to us, and yet dear Brethren, and tender Sympathizers with our afflictions and sorrows, who, when these who were left of the Sword were in danger to dye by famine, did plentifully relieve us in our straits, not onely by comfortable encouragements to walk humbly with God, and wait for him who hides his face from the house of Jacob for a season ; but also by their rich supply in Victuals and others necessary for our relief and comfort, which we humbly desire our Lord to repay seven-fold in their bosome, and become your Supplicants to joyne with us in a gratefull acknowledgement of their singular favours : And upon the heels of these favours you have continued your unparalleled compassions in keeping your forces and enabling them, together with the other Forces, for avenging the cruell murders, and effusion of Christian blood in this Land, notwithstanding of your owne multiplied difficulties. The Lord hath begun to delight into us, and in a day of salvation hath helped us (So happy are the people who are in Covenant with God.) We are these (indeed) who may justly be burnt up for our unfruitfulness in the dayes of our plenty, and stubbornesse in the dayes of our affliction, which hath brought us so low, that where we once enjoyed a blessed plenty, we must now beg of the crumbs that fall from your Table : Wee cannot dissemble, but so farre as we can discern our owne hearts, we would preferre the joyfull sound of the Gospel to our much wished Peace and precious lives : But it may be discerned, your Consultations of before have been guided by the Spirit

of the Lord ; in that when wee twice in our forward hasting desires begged the present loosing and planting of some Ministers amongst us, you judged it more convenient to supply us by turnes, as foreseeing that our captivity was likely to endure : Our hopes are so far revived, that we trust to see the day when he shall take the Cup of trembling out of our hands, and put it in the hands of them that afflicted us.

And therefore, if you account us fellow-partners of the Purchased Inheritance, Yet again suffer our necessitie to plead with you, that as it hath been by the Committee of Bills already advised, that a competent number of Ministers may be gifted to us by your Commission when they shall see the Calling cleared, the same may be granted as a testimony of your confidence, and expectation of our delivery ; And in the meane time some others may be sent by turnes to keep in the dying lives of above twenty foure desolate Congregations, who are in danger to perish for want of Vision : And although we do professe, we count not ourselves worthy of such favours, yet as we have resolved to dye with the cry of hope in our mouthes to the Lords Throne ; So in obedience of the use of the means by him appointed, we stretch out our hearts and our hands to you for help, and have sent our Brother William Mackenna, Merehant at Belfast, to attend what answer it shall please the Lord by you to returne unto

Your distressed Brethren and Supplicants.

*Subscribed by very many hands.*

3 Junii, 1644. Antemeridie. Sess. V.

*Act for the present Entrie of the new erected Presbyterie at Biggar.*

THE which day anent the Supplication subscribed and given in to the Generall Assembly by the Ministers and ruling Elders of the Kirks of Biggar, Skirling, Brochton, Glenquhome, Kelboeho, Culter, Lamyngtoun, Symontoun, Covingtoun, Quothquen, Welstoun, and Dolphingtoun, making mention, That the Generall Assembly at Edinburgh in August 1643 years, by their Act of the date of the twelfth day of the samine moneth and year, did upon good grounds, and after tryall and hearing of all Parties to the full, erect a Presbyterie seat at Biggar, to consist of the Kirks above-written ; And granted to their Presbyterie full power of jurisdiction and exerceing Discipline, with all other Liberties and Priviledges belonging to any other Presbyterie ; but suspended the entrie and possession of this new erected Presbyterie, during the pleasure of the Assembly : And therefore desiring the said Generall Assembly to ordaine and appoint the entrie and possession of the foresaid Presbyterie at Biggar, now presently ; And to Declare, that it is their pleasure, that the entrie and possession thereof shall be no longer suspended, as the Supplication imports. Which Supplication being read in audience of the Generall Assembly, and thereafter the Commissioners from the Presbyteries of Lanerk and Peebles, and all others having entresse to oppose the desire foresaid being publickly called, and the saids Commissioners for Peebles and Lanerk personally present, being at length heard in what they could say or alledge therein : And the said Supplication and desire thereof, with the Alledgeances and Objections made against the samine, being taken to consideration by the Assembly, and they therewith being fully and ripely advised : The Assembly after removing of the Parties, and after consideration of the premisses and voycing of the foresaid desire, Ordaines the entrie and possession of the foresaid Presbyterie of Biggar, consisting of the partienlar



Kirks above-mentioned, to begin now presently; And appoints and ordaines all the Ministers and Ruling Elders of the foresaids Kirks above specified, whereof the said Presbyterie consists, to meet and conveene as a Presbyterie, with all conveniencie, at the said Kirk of Biggar, which is the Place and Seat of the samine Presbyterie. And the Assembly refers to the Commissioners to be appointed by them for the publick affairs of the Kirk, to determine to what Synod this the said new erected Presbyterie shall be subordinate; As also to prescribe the order and solemnities that shall be necessar for entring and possessing the Ministers and Elders in the said Presbyterie.

Junii 3, 1644. Sess. VI.

*Act concerning the Declaration subscribed by the Scottish Lords at Oxford.*

THE Generall Assembly having received a Copy of a Declaration, made and subscribed at Oxford, sent unto them from the honourable Convention of Estates, and having seriously considered the tenour thereof, doth finde the same to be a perfidious Band and unaturall confederacy, to bring this Kirk and Kingdome to confusion, and to be full of blasphemies against the late Solemne League and Covenant of the three Kingdomes, of vile aspersions of Treason, Rebellion and Sedition, most falsly and impudently imputed to the Estates and the most faithfull and loyall Subjects of these Kingdomes: And seeing it is ineumbent to the Assembly to take notice thereof, and to stop the course of these malicious intentions, in so farre as concerns them, Declare that the subscribers of this or the like Declaration or Band, or any that have been accessory to the framing, or that has been, or shall be accessory to the execution thereof, deserve the highest censure of the Kirk: And therefore gives power to the Commissioners of this Assembly appointed for the publick affairs, to proceed against them to the sentence of Excommunication, unless they make humble confession of their offence publicly, in such manner, and in such places as the Commission shall prescribe; Or otherwise to refer the tryall and censure of such Delinquents to Presbyteries or Synods as they shall think convenient. And when the sentence of Excommunication shall be pronounced, discharges Presbyteries or Synods to relax any from the sentence, without the advice of the Generall Assembly, or their Commissioners, *nisi in extremis*. And in respect of the atrocitie of this Fact, the Assembly in all humility, do seriously recommend to the right honourable the Estates of Parliament to take such course, as the persons that shall be found guilty, may be exemplarily punished, according to the merit of so unnaturall and impious an offence: And that some publick note of ignominie be put upon the Declaration and Band it self, if their Honours shall think it meet.

*Act against the Rebels in the North and South.*

THE Generall Assembly considering the just sentence pronounced against the principall Actors in that Rebellion in the North and South, by ordinance of the Commissioners of the late Assembly; And finding it most necessary, that such as assisted or joynd with them in that impious and unnaturall Fact, be likewise censured; Therefore ordains Presbyteries and Synods respective, to proceed against them with the highest Censures of the Kirk, if they

give not satisfaction by publick repentance; And when the sentence of Excommunication shall be pronounced, The Assembly discharges the said Judicatories to relax any of them from the sentence, without the advice of the Generall Assembly, or their Commissioners, *nisi in extremis*: To whom also the saids Presbyteries and Synods shall be answerable for their diligence in the premisses as they shall be required. And the Assembly doth humbly recommend to the Honourable Estates of Parliament, to take such course as the Persons that shall be found guilty may be exemplarily punished according to the merit and degree of their offence.

*Act against Secret Disaffecters of the Covenant.*

THE Generall Assembly understanding that divers Persons dis-affected to the Nationall Covenant of this Kirk, and to the Solemne League and Covenant of the three Kingdoms, do escape their just censure, either by their private and unconstant abode in any one Congregation, or by secret conveyance of their malignant speeches and practises; Therefore ordains all Ministers to take speeciall notice when any such Person shall come within their Paroches, and so soon as they shall know the same, that without delay they cause warn them to appear before the Presbyteries within which their Paroches lyes, or before the Commissioners of this Assembly appointed for publick affairs, as they shall finde most convenient; which warning the Assembly declares shall be a sufficient citation unto them: And als that all Ministers and Elders delate to the saids Judicatories respective, every such dis-affected Person, although without their own Paroch, so soon as they shall hear and be informed of them. And the Assembly ordains the saids Commissioners not only to proceed to Tryal and Censure of such disaffected Persons, but also to take a special account of the diligence of Ministers, Elders, and Presbyteries herein respective.

*Act for sending Ministers to the Armie.*

THE Assembly understanding that Ministers are not duly sent forth to the Regiments of the Army, neither such as are sent duly relieved, which neglect falleth out oftimes, by reason of questions among Presbyteries interested in the Regiments: Therefore for remedy hereof, thinks it convenient that this order be kept hereafter; That a List be made of three Ministers by the Colonels, or in their absence the chief Officers of every Regiment, with advice and consent of the Presbyterie at the Army, and sent to Presbyteries here, or if the list be of Ministers in divers Presbyteries to the Commissioners of the General Assembly, that they may appoint one out of that list to be sent to the Regiment, to attend them for performing Ministeriall duties 3 Moneths: And that the relief of Ministers already sent or to be sent hereafter shall be in the same manner. And the Assembly ordains Ministers who shall be thus appointed by Presbyteries or the Commissioners of the Assembly respective, to repair to the Armie with all diligence, under the paine of suspension: And humbly recommends to the Honourable Estates of Parliament, to provide some way whereby these Ministers may have due and ready payment of their allowance, from the time of their going from their charges here. And it is declared that this order shall be also kept for sending forth of Ministers to the Regiments in the second expedition.



*Renovation of the Commission for the Publick affairs  
of the Kirk.*

THE Generall Assembly considering that the Commissioners appointed by the last Assembly upon the nineteenth day of August 1643 years, the last Session thereof to sit at Edinburgh for the Publick affairs of the Kirk, have not yet fully perfected that great Work for Unitie of Religion, and Uniformitie of Kirk-Government in his Majesties Dominions; And that now in respect of the present condition of affairs in this Kingdome, their proceedings cannot be examined at this time: Therefore finding it necessar that the said Commission be renewed unto the Commissioners therein mentioned, and to the Persons afternamed now thought fit to be added for the better expediting of the businesse; Do hereby appoint the Persons particularly nominate in the said Commission, viz. Masters Andrew Ramsay, Alexander Henderson, Robert Douglas, William Colvill, William Benuet, George Gillespie, John Oiswald, Mungo Law, John Adamson, John Sharp, James Sharp, William Dalgleish, David Calderwood, Audrew Blackhall, James Fleeming, Robert Ker, John Macghe, Oliver Colt, Hugh Campbell, Adam Pennan, Richard Dickson, Andrew Stevinson, John Lawder, Robert Blair, Samuel Rutherford, Arthur Mortoun, Robert Traill, Frederick Carmichael, John Smith, Patriek Gillespie, John Duncan, John Hume, Robert Knox, William Jameson, Robert Murray, Henry Guthrie, James Hamilton in Dumfreis, Bernard Sanderson, John Levingstoun, James Bonar, Evan Camron, David Dickson, Robert Bailzie, James Cuninghame, George Young, Andrew Affieck, David Lindsay, Andrew Cant, William Douglas, Murdo Mackeinzie, Coline Mackeinzie, John Monroe, Walter Stuart, *Ministers*; Archibald Marquesse of Argyle, William Earle Marshall, John Earle of Sutherland, Alexander Earle of Eglintoun, John Earle of Cassils, Charles Earle of Dumfermeling, John Earle of Lauderdale, John Earle of Lindsay, James Earle of Queensberry, William Earle of Dalhousie, Archibald Lord Angus, James Vieount of Dudhope, John Lord Maitland, David Lord Eleho, John Lord Balwerinoch, James Lord Cowper, Sir Patriek Hepburne of Waughtoun, Sir Archbald Johnstoun of Waristoun, Sir David Hume of Wedderburne, Sir Alexander Areskine of Dun, Sir William Cockburne of Langtoun, Sir Thomas Ruthven of Frieland, Sir James Arnot of Fernie, Sir Walter Riddall of that Ilk, Sir Lodovick Houstoun of that Ilk, Sir William Carmichael fiar of that Ilk, Master George Douglas of Bonjedburgh, Master George Winrame of Libbertoun, Laird of Brodie, Sir John Smith, James Dennistoun, Master Robert Barclay, John Rutherford, William Glendunning, John Sempill, John Kennedy, and Master Alexander Douglas, *Elders*: And also Masters David Dalgleish, Andrew Bennet, Johu Moncreiff, Alexander Carse, Thomas Wilkie, James Guthrie, Henry Levingstoun, David Drummond at Creiff, John Hay at Renfrew, John Strang, Richard Inglis, William Falconer, John Paterson, Gilbert Rosse, Richard Maitland, George Cumming, William Campbell, *Ministers*, and William Earle of Glancairne, William Earle of Louthian, James Lord Murray of Gask, John Lord Yester, Robert Maitland, Frederick Lyon of Brigton, James Macdowell of Garthland, David Beton of Creich, Sir James Stuart Sheriff of Buit, Sir John Weemes of Bogie, Master William Sandilands Tutor of Torphiehin, Archibald Sydserfe, Laurenee Hen-

derson, James Stuart, Thomas Paterson, and Alexander Jaffray, *Elders*, uow added by this Assembly, to meet at Edinburgh upon the fifth day of this instant moneth of June, and upon the last Wednesday of August next, the last Wednesday of November next, and upon the last Wednesday of February next; and upon any other day, or in any other place they shall thiuk meet; Giving and granting unto them, or any fifteen of them, there being twelve Ministers present, full power and commission to prosecute the said work of unitie in Religion, and uniformitie of Kirk-government in all his Majesties Dominions, and to do and performe all things particularly or generally contained in the said Commission of the preceeding Assembly, or in an Act of the said Assembly upon the said 19 day of August, intituled, "A Reference to the Commission anent the Persons designed to repair to the Kingdome of England," and to treat and determine therein, and in all other matters referred unto them by this Assembly, siclike, and as freely, as if all these were herein expressed, and as the persons nominat in the said former Commission might have done by vertue of the said Act and former Commission at any time by-gone, and with as ample power as any Commission of former Geuerall Assemblies hath had, or been in use of before, they being alwayes comptable and censurable for their whole proceedings hereintill by the next Generall Assembly.

*Renovation of the Commission granted to the Persons  
appointed to repair to the Kingdome of England.*

THE Generall Assembly, finding that the great Work of unity in Religion, and uniformity of Kirk-government in all his Majesties Dominions is not yet perfected, Do therefore renew the Commission granted for that effect by the preceeding Assembly, unto the Persons appointed to repair to the Kingdome of England upon the 19 day of August 1643, in the last Session thereof, Giving and granting to the persons therein mentioned, the same power, to do all and every thing particularly or generally contained in the said Commission, in the same manner, and as fully, as if the same were herein expressed, and as they might have done at any time by-gone by vertue of the former Commission.

*The Assemblies Answer to the Presbyterie with the  
Armie.*

Reverend and loving Brethren in the LORD,

WE received yours of the 17 and 20 of May, and were much refreshed with the knowledge you gave unto us therein, of your sense of our condition here, and of the Lords dealing with your selves there in your straits and difficulties: We rejoyce exceedingly to see you make such a blessed use of the Lords delays, for your further Humiliation and Dependence upon him: That Sanctuary, your Enemies, and the Enemies of your GOD hath taken, shall not save them: You have found by experience in your marches and maintenance, that events are not ordered by the propositions of men, but by the Providence and purpose of GOD. There is a time for every purpose under Heaven, and the Cup of the Amorites must be filled: Which being now full of every abomination, yea of the blood of the Saints, the cry whereof cannot but be heard in Heaven, and answered on Earth, presageth no lesse to us, than that the Lords time of his deliverance



of his own, and destruction of his Enemies draweth near.

We are not unsensible of your present estate, and by the Lords grace shall be carefull, both here and with our Congregations at home, to make all take the same to heart. As for our condition here remembred with such pious affection by you, we doubt not but ye have heard what the Lord hath done for us; these happy beginnings of the Lords scattering our unnaturall Enemies in the North, gives us confidence of his assistance in the midst of difficulties against these that assault us in the South: It is nothing with the Lord to help whether with many, or with them that have no power.

The security of this Nation indeed is great, it is our part to blow the Trumpet to give warning to the People, and to rouse them from that fearfull condition which threateneth so much desertion. And to this end we have injoynd a solemne Fast, the causes whereof being more particularly considered by our Commissioners here, will no question be sent unto you, that if the Lord please, you may joyne with us there in that Action.

Wee have set down an order to be kept hereafter, for sending Ministers unto the Armie, which the Clerk will send herewith unto you. Now the Lord our GOD, in whose Name his people go forth against his Enemies, help and assist them, and cover their heads in the Day of Battell, and be their Refuge; and blesse your travels and endeavours, for the good of their souls and his own glory.

*Subscribed in name of the Generall  
Assembly by the Moderator.*

Edinburgh, 3 June, 1644.

4 June, 1644. Sess. VII.

*The Letter from the Commissioners at London to the  
Generall Assembly.*

Right Honourable, Reverend, and  
Beloved in the LORD,

IT was the earnest desire of our hearts to have come unto you at this time, and to have brought with us the desireable fruits of our weighty employments and labours, to our common rejoycing in the mids of so many troubles both here and there: but our Lord in his wisdom hath not judged it fitting, that this should be the time of our joyfull harvest, and of bringing our sheaves, to be matter of sacrifice to himself, and of shouting to us. Both Nations as yet doe but go forth weeping and bearing their precious seed; yet are we confident through JESUS CHRIST, that as it is a seed-time, if the Labourers (although other men before us have laboured, and we are entred into their labours) prove faithfull unto the end, the harvest shall come in due time, and in great plenty.

The common Directory for publick Worship in the Kirks of the three Kingdomes is so begun (which we did make known to the Commissioners of the Generall Assembly) that we could not think upon any particular Directory for our own Kirk, and yet is not so far perfected, that wee could present any part thereof unto your view: for although wee have exhibited unto the Grand Committee (which is composed of some of the Members of both Houses, and of the Assembly, with our selves) the materials of the publick Prayers of the Kirk, the method of Preaching, and the order of administration of both Sacraments, and have the Catechisme in hand; yet are they not thoroughly examined by the Committee, nor at all by the Assembly or Parliament, which we cannot impute to any

neglect or unwillingnesse, but to the multiplicity and weight of their affairs, by which they are sore pressed, and above their power.

The Directory for Ordination of Ministers (which upon the extreme exigence of this Kirk was much pressed by the Parliament) is agreed upon by the Committee and Assembly, and some dayes past is presented to both Houses, but hath not yet passed their Vote. The Assembly hath been long in debate about the Officers and Government of the Kirk (concerning which, we offered the two Papers which wee drew up, according to the practice of our own, and other Reformed Kirks, and so neere as we could conceive, to the minde of the Generall Assembly, and did send to the Commissioners of the Generall Assembly) and hath passed many votes about the one and the other, but hath not broght their thoughts to such ripenesse and perfection, that they could think upon the publishing of them, or presenting them to your sight, nor is it in their power to do so, without warrant of Parliament. Your wisdom will consider that they are not a Generall Assembly, but some select Persons, called by Authority to give their advice in matters of Religion, that they walk in a way which hath not been troden by this Nation before this time, that many things seeme new unto them, and cannot obtain their assent, till they see them clearly warranted by the Word of GOD; That matters of the Government of the Kirk have been much controverted here, and the prejudices against Presbyteriall Government are many and great; That the two extremes of Prelacie and Independencie, which latter is the generall claime of all Sects and Sectaries, have prevailed most in this Kirk, and no other thing known by the multitude but the one or the other; That such as look toward the Government of the Reformed Kirks, finde a mighty party within and without opposing them; And that Reformation and Uniformitie must therefore be a work so full of difficulty, that the hand of the most high GOD, which is now begun to be stretched out in this Land, must bring it to passe.

There was also presented to the Assembly, a new Paraphrase of the Psalmes in English Meeter, which was well liked of, and commended by some of the Members of the Assembly; But because we conceived that one Psalme Book in all the three Kingdomes was a point of Uniformity much to be desired, we took the boldnes (although we had no such expresse and particular Commission) to oppose the present allowing thereof, till the Kirk of Scotland should be acquainted with it; and therefore have we now sent an essay thereof in some Psalmes. We have also sent another Specimen in Print, done by some Ministers of the City. Your wisdom hes to consider, whether it be meet to examine them by your Commissioners there, that their judgements be sent up unto the Assembly here, both about the generall of Uniformity in this point, and about the particular way of effecting it, whether by either of these two, or by any other Paraphrase, or by changing some expressions in the books now in use, which is aynded at by the first of these two.

As we cannot but admire the good hand of GOD in the great things done here already, particularly; That the Covenant (the foundation of the whole Work) is taken, Prelacie and the whole train thereof, extirpated; The Service-Book in many places forsaken, plain and powerfull preaching set up; Many Colledges in Cambridge provided with such Ministers, as are most zealous of the best Reformation; Altars removed; The Communion



in some places given at the Table with sitting; The great Organs at Pauls and of Peters in Westminster taken down; Images and many other Monuments of Idolatry defaced and abolished; The Chappel-royal at Whitehal purged and reformed; and all by Authority in a quiet manner at noon day, without tumult: So have we from so notable experience, joyned with the promises of the Word, sufficient ground of confidence, that GOD will perfect this Work against all opposition, and of encouragement for us all to be faithfull in the Work of GOD, which is carried on by his mighty Hand, that no man can oppose it, but he must be seen fighting against GOD. It is unto us no small matter of comfort, that we have heard of no Minister of the Gospel (except such as the Kirk hath rejected) joyning with the Malignants there, in their ungodly and unnaturall afflicting of that Kingdome, while they are endeavouring the relief of the afflicted in this Kingdome; and we pray and hope, that they may carefully keep the unity of the Spirit in the bond of peace, and walk worthy both of their holy calling, and of the great Work, which the Lord is working by his own weak servants in Kirk and Policy.

Be pleased to receive a Letter from the Assembly, unto which you will return such an answer as shall seem good unto your wisdom, and withall (which is our humble desire) some word of your thankfull acknowledgement of the respect and favours done by them unto us.

We have at all occasions since our coming hither, acquainted the Commission with our proceedings, and by the help of God, shall be industrious in obeying your directions and theirs, during our abode here, which through the power and blessing of God, bringing the affairs of his own Church to a peaceable and blessed successe, wee wish may be for a short time, and unto which your fervent prayers through Christ may be very effectually, which therefore is the humble and earnest desire of

Your affectionate fellow-labouring and fellow-feeling Brethren in the Work of the Lord,

ALEX. HENDERSON, SAM. RUTHERFURD,  
ROBERT BAILLIE, GEORGE GILLESPIE,  
JO. MAITLAND.

Worcester house,  
London, May 20, 1644.

*The Letter from the Synod of Divines in the Kirk of England, to the Generall Assembly.*

Right Honourable, right Reverend, and dearly beloved Brethren in JESUS CHRIST,

**T**HE blessing and comfort of that inviolable Union which our gracious GOD hath vouchsafed to both Churches and Nations, gave us opportunity the last year, to breath out some of our sighs into your compassionate bosomes: And such have been the soundings of your bowels, as have offered violence to Heaven by your effectually fervent prayers, and brought many sweet refreshings to our languishing spirits by your pious and comfortable Letters, in answer to ours.

This makes us studious of all means of acknowledging your tender Sympathie, and of laying hold on all opportunities of repairing again to the same streams of consolation: for which end, as we cannot but confesse, that in the midst of those boisterous waves wherein we have been daily tossed, wee have met with many gracious and unexpected

encouragements: so we must needs renew our former mournings, and rend our hearts afresh unto you, with greatest instance for all the assistance that your Prayers, Tears, Learning, Piety, and Largenesse of heart can possibly contribute to your poor afflicted and still-conflicting Brethren: And this we the rather beg of you, who, having bin first in the furnace of affliction, and are come out of great tribulation, are meekest to commiserate, and best able to comfort others in any trouble, by the comforts wherewith you yourselves have been comforted of GOD.

It was in our desires to have presented to your Venerable Assembly, some of our dearest respects in writing, by that eminently learned and much honored Commissioner of yours, the Lord Waristoun: But his departure hence was so sudden to us, and unexpected by us, that we could not have time (as his Lordship can inform you) to tender by him such a testimony of our Brotherly and intimate affections, as may in some measure suite with your manifold and most affectionate expressions toward us, when our sighings were many, and our hearts faint: For such hath been your love, that no waters can quench it, and such the undertakings of the whole Kingdome of Scotland, through your furtherance, that we already begin to reap the fruits of all that Piety, Prudence, and Valour, which at this day render your Nation worthily renowned in the Christian World; and us, exceedingly straitned and restlesse in our selves, untill GOD please to open a way for our endeavours, to make some more answerable returnes.

Toward this, our thoughts and hopes were to have made, ere now, some proceedings of our Assembly legible in yours. But such are the continued distractions which lye upon our spirits, by means of the sad and bleeding condition of this Kingdome, as have cast us much behinde our own expectations, and hindred that expedition which the necessities of this Nation, and the desires of our Brethren abroad, do earnestly call for at our hands.

Sometimes through GODS goodnesse wee have a prosperous Gale: Sometimes againe, we saile like Paul and his company, very slowly many dayes. And even then, when wee draw near the fair Havens, some contrary Windes put us out into the Deep again. We walk in paths that have hitherto been untrodden by any Assembly in this Church: We therefore are inforced to spend more time in our inquiries, and in seeking of GOD a right way for us, that at length we may put into that high way, the way of holinesse, wherein Wayfaring men, though fools, shall not erre: And we will wait upon our GOD (before whom we have been this Day humbling of our Souls) untill he lead us into all these Truths which we seek after; and we shall labour to be yet more vile in our own eyes, as finding by experience that it is not in man to direct his way.

Those Winds which for a while do trouble the Aire, do withall purge and refine it: And our trust is that through the most wise Providence and blessing of GOD, the Truth by our so long continued agitations, will be better cleared among us, and so our service will prove more acceptable to all the Churches of Christ, but more especially to you, while we have an intente eye to our peculiar Protestation, and to that publick Sacred Covenant entred into by both the Kingdomes, for Uniformity in all his Majesties Dominions.

Which Work we carry on (against what ever difficulties are east in our way) with more ease and



comfort, by the great sedulity and seasonable assistance wee daily receive from your Noble and Reverend Commissioners sitting among us: Their Prudence will (we doubt not) sufficiently furnish you with more particular information touching our affairs: And here, we cannot but acknowledge that the assiduous presence of these our learned and highly-esteemed Brethren among us, and their free and faithfull contributing of their counsels to us, doe oblige us much to a double duty; the one of Thanks, which we now heartily render to you, for sending to us such excellent Helpers; the other of Request, which wee earnestly make for their continuance with us, untill the Work bee brought up to the finishing Cubite.

Now, the Great Master-Builder (without whose Almighty concurrence, the Builders labour but in vain) accomplish and perfect all his own glorious Work in your hands, and in ours also, to his own Glory, the peace and edification of all the Churches, and the comfort of our selves over all our travels and sufferings.

Your most affectionate Brethren and servants  
in the LORD, by the direction, and in the  
Name of this whole Assembly,

WILLIAM TWISSE, *Prolocutor.*

CORNELIUS BURGESS, *Assessor.*

HENRY ROUBROUGH, *Scriba.*

ADONIRAM BYFIELD, *Scriba.*

Westminster, May 17, 1644.

*The Generall Assemblies Answer, to the right Reverend  
the Assembly of Divines in the Kirk of England.*

Right Honourable, right Reverend, and  
most dearly beloved in our LORD,

WE do thankfully acknowledge your respectful remembrance of us by your Letters at all occasions; and not a little rejoyce to see that happy correspondence and Christian communion so sweetly entertained amongst us, which is so acceptable in the sight of the Lord, so pleasant and profitable, especially when kept and entertained betwixt Kirks and Kingdomes about affairs of highest and most publick concernment and interest: We have nothing more in our desires than to entertain that harmonious correspondence, that Christian sympathetic and compassion, that sounding and resounding of bowels, which well beseemeth Kirks and Nations, united by a solemn League and sacred Covenant, for mutuall endeavours, by all lawfull means, to a further unitie in that Faith once delivered to the Saints, and greater Uniformitie in Divine Worship, Discipline, and Government, according to the Paternie.

The case and condition of your bleeding Kingdom is no lesse sensible to us, than if our selves were in affliction with you; but we trust all is working to your best, and to our Lords glory: That some of you hes fallen, it is to try you, purge you, and make you white: If the Lord by those means be with that Reformation of his Ordinances, bringing also amongst that other Reformation of hearts and lives, should it not be welcomed with all joy, although it bee upon the expence of blood and lives? The Lord will turn the bygone rage of Man to his glory and your spiritual good, the remnant of rage will hee restraine. The Lord delivereth his owne by degrees; *he is with them in trouble, and delivereth them, and honoureth them*; He who hath been sensibly with you hitherto, and upholden you in your trouble, will, we trust, yet deliver you,

and honour you: The more ye sow in teares, the greater shall be your harvest of peace and joy, when the Lord, according to the dayes wherein he hath afflicted you, and the years wherein yee have seen evill, shall make you glad, and his Work to appeare unto you, and his glory unto your children, and the beautie of the Lord your God to be upon you, and shall establish the work of your hands; yea, even establish the work of your hands.

We should prove both unthankfull to God, and unfathfull to men, did we not hold out unto you the Lords gracious and powerfull dealing with us in the like condition, and comfort you with the consolations wherewith wee our selves have been comforted: We were involved in the like difficulties; we had the strong opposition of highest Authoritie set over two powerful Kingdoms, beside this of ours; and the unhappy providence of our wickedly-wise and wary Prelates, had done what in them lay, to make the Ministry of this Land sworn Enemies to the intended Reformation: So that we walked in a very wilderuesse, in a labyrinth, and as upon deep waters, wherein not onely did our feet lose footing, but also our eyes all discovering or discerning of any ground; yea, wee were ready to lose our selves: Yet the Lord hath graciously rid us, and recovered us out of all these difficulties, and set our feet upon a rock, and ordered our goings. The experience wee have had in our own persons, affordeth us confidence and hope concerning your affaires; and wee trust this hope shall not be disappointed; it is our duty to hope upon experience, and it is the Lords word and promise, that such an hope shall not be ashamed. It cannot choose but beget confidence in you, when yee shall consider, that ye have seen before your eyes your neighbouring Ship of this Kirk and Kingdome, having (as it were) loosed from your side, in the like or self-same storme, notwithstanding all tossing of windes and waves, yet (*not by might, nor by power, but by the Spirit of the Lord of hosts*) to have arrived safe and sound to the Port and Harberie; yea, and to have dared to put out again unto the storm, to contribute her weak endeavours for your help.

We acknowledge your impediments to be great and many; the sufferings of your Brethren, the People of GOD, cannot choose but both damp your spirits, and divide your thoughts: Your walking in an untrodden and unknown way, must put you (though never so willing to go on speedily, yet) to take time and leisure to ask for the right way; and ye want not the opposition of some amongst your selves, to whom notwithstanding we trust the Lord will reveale his truth in his own time. Nevertheless (much honoured and dear Brethren) go on courageously against the stream of all opposition; every Mountain in the way of Zerubbabel, the Lord shall make plain; and as many of you as are perfect, be thus minded, that forgetting the things that are behinde, and looking to the things that are before, you presse hard towards the mark, as having before you, not onely the prize of the high calling and recompence of reward, but also at the end of this race, these two precious Pearls and inestimable Jewels of Truth and Unity, and all the Reformed Churches beholding and looking on, not onely as witnesses, but also being ready to congratulate and embrace you.

We were greatly refreshed to hear by Letters from our Commissioners there with you, and by a more particuar relation from the Lord Waristoun now with us, of your praise-worthy proceedings, and of the great good things the Lord hath wrought among you, and for you: Shall it seem a small



thing in our eyes, that the Covenant (the foundation of the whole Work) is taken? That that Antiehrastian Prelacy with all the traine thereof is extirpate? That the door of a right entrie unto faithful Shepherds is opened; many corruptions, as Altars, Images, and other Monuments of Idolatry and Superstition removed, defaced and abolished; the Service-Book in many places forsaken, and plaine and powerfull preaching set up; the great Organs at Pauls and Peters taken down; That the Royal Chappell is purged and reformed, Sacraments sincerely administrate, and according to the paterne in the Mount; That your Colledges, the Seminaries of your Kirk, are planted with able and sincere Professors? That the good hand of GOD hath called and kept together so many pious, grave, and learned Divines for so long a time, and disposed their hearts to search his Truth by their frequent Humiliations, continuall Prayers, and learned and peaceable debates? Should not all and each one of these stir up our souls to blesse the Lord, and render both you and us confident, that he who hath beguun the good Work, will perfect it, and put the Cope-stone upon it; That the beauty of a perfected Worke may shine to all Nations, and we may say and shout, *Grace, grace, unto it*; that the time may be when full liberty and leasure shall be to all the Builders of the House of GOD, to give themselves with both their hands to the building up and edifying the people of GOD in these things that belong to life and Godlinesse, to the making of them wise to salvation, and throughly furnished to every good work, and when the Lord shall delight to dwell more familiarly, and to work more powerfully in, and by his throughly purified ordinances? That you, afflicted and tossed with tempests and not comforted, shall have your stones laid with fair Colours, your foundations with Saphires, your Children shall be taught of GOD, and shall have great peace, and no Weapon framed against you shall prosper, and every tongue that riseth against you in Judgement shall bee condemned; That the Lord will awake as in the aeneient dayes, as in the generation of old; That the Redeemed of the Lord shall come unto Zion with singing, and sorrow and mourning shall flee away.

And as we are confident that the Lord who heareth Prayer, and hath promised to guide his servants into all truth, will bring your labours to a comfortable conclusion: So do all the Reformed Kirks, and the Kirk of Scotland above all others extreamly long for the taste of the fruits of their pious labours and continual pains: And so much the more, that we have suspended some materiall determinations amongst our selves, upon expectation of Uniformity; and that in the meane time so many scandalous Papers come to our view, and to the hands of the people here, for libertie of conscience, toleration of Sects, and such Praetiees as are contrary to the Doctrine, Government, and Peace of all the Reformed Kirks. For stopping and suppressing whereof, as wee doubt not, but your Wisedome, and the Authority of the Honourable Houses of Parliament will use some more effectually means; So do we hope that your Determinations shall carry such evidence of Divine Truth, and demonstration of the Spirit, that those unhappy Clouds of darknesse shall be so scattered, that they shall be no more gathered nor appear hereafter, to the dishonour of God, the prejudice of his truth, and the scandalizing of so many Souls for which Christ hath dyed.

We doe with hearty thankfulnessse resent all the kindnesse and respect you have shown to our Com-

missioners, and your high esteeme of them in love for the Works sake; Although their presenee here would be very comfortable unto us, very steedable to the publick, and necessar in respect of their great and important particuler charges and Stations; yet do we willingly dispense with all, yea nothing shall be too dear unto us, so that this Work be finished with joy, and *Jerusalem made the glory and praise of the whole Earth: Because of the house of the Lord our God, we will seek her good: For our Brethren and Companions sake, we will now say, Peace be within her Walls, prosperity within her Palaces.*

*Subscribed in name of the Generall Assembly of the Kirk of Scotland, by the Moderator of the Assembly.*

Edinburgh, 4 June, 1644.

*The Assemblies Answer to their Commissioners at London.*

REVEREND AND BELOVED BRETHREN,

**I**T would have been the rejoyeing of our hearts, and the lightning of our countenances, to have seen your faces, and enjoyed your presenee here with us, especially, should yee have arrived unto us loaden with the spoils of Antiehrist, the Trophies of the Kirk of Christ, and the long-longed-for fruits of your painfull labours: But seeing it hath pleased the Lord whose Interest in the businesse is main and principall otherwise to dispose, it doth become us with all humility to submit to his good pleasure, with faith and patience to attend his leasure, for *he that beleeveth maketh not haste*, and with more frequency and fervencie in prayer seek to him who will be sought for these things, and having *begun the good work will perfect it*, and double the benefit by bestowing it in a more seasonable time unto us.

We have not been a little refreshed with your Letters sent unto us and the Commissioners of the preceding Assembly, and with these from the Reverend Synod of Divines, the answer whereof you will be pleased to present unto them: By all which, and more particularly by a full Relation from the Lord Waristoun a faithfull witnesse and a fellow-labourer with you there, we see and acknowledge that by the Lords blessing, the Progresse of the Work is already more than we can overtake in the course of our thankfulnessse, that your labours are very great, your pains unecessant, your thoughts of heart many, that ye endure the heat of the day; but being confident of your patient continuance in wel-doing, and that your labours shall not be in vaine in the Lord, wee have renewed your Commission, and returned the Lord Waristoun unto you, according to your desire, that ye may prosecute that great Work which the Lord hath blessed so farre in your hands.

When the Ordination and entry of Ministers shall be conformable to the Ordinance of God, there is to be expected a richer blessing shall be powred out from above, both of furniture and assistance upon themselves, and of successe upon their labours; for which end as our earnest desire is, that the Directory for it may be established; so doe we exceedingly long to see the common Directory for worship perfected, which may prove an happy meane of that wished for Uniformity in the Kirks of the three Kingdomes, shall (we trust) direct by all Rocks of offence and occasions of stumbling, and shall remove all these corruptions wherewith the Lords sacrifice and service hath been defiled.

That point concerning a change of the Para-



phrase of the Psalmes in Meeter, we have referred to the Commissioners here, whose power and Commission granted by the preceeding Assembly, we have renewed and continued.

That there be difficulties concerning Kirk-Government, wee think it not strange for these reasons you lay out before us; yet because the minds of men are still in suspense upon the successe of the determination of that Reverend Assembly on the one hand, and upon the successe of the Warre on the other; which doth not a little faint their hearts and feeble their hands, both you and we must be instant with God and man for a finall determination of all these debates, and a happy and speedy conclusion of this great affaire, so much concerning his own glory and the good of his Kirk. *Now the Lord lead you in all truth, and give you understanding in all things.*

*Subscribed in name of the Generall Assembly  
by the Moderator.*

Edinburgh, 4 June, 1644.

*The Assemblies Letter to the Kirks in the Netherlands.*

FRATRES IN DOMINO PLURIMUM COLENDI,

**Q**UAE anno superiore Ecclesiarum Zelandicarum nomine, missae sunt ad nos Literae, ut eas communis totius Ecclesiae vestrae Belgicae voluntatis testes fuisse interpretaremur, effecit benevolentia vestra tot tantisque officiis nobis spectata: quam sententiam nobis confirmarunt ea quae copiose clarissimus Eques D. Archibaldus Jonstonus Varistonus in foro supremo Judex, a reliquis tum Ordinum tum Ecclesiae hujus Regni Delegatis Londino non ita pridem remissus, in hac ipsa Synodo Nationali de eximio vestro erga nos studio commemoravit: praesertim quanta fide, quam sollicita diligentia nostram, vel Domini potius nostri Jesu Christi causam, quae nunc Londini agitur, et promoveritis, et promovere etiamnum satagatis. Quo in negotio, ex iis, quorum ab eo recitata audivimus nomina, de propensa reliquorum voluntate et cura, ut conciliandae Ecclesiarum Britannicarum unionis foeliciter suscepta consilia, vestra ope et opera prosperum mature sortiantur exitum, minime obscura fecimus indicia. Sunt haec tam illustria benevolentiae vestrae testimonia, et in omnium bonorum oculis adeo perspicua, ut eorum memoriam nulla unquam delere potuerint obliviae. Laboris autem et jam impensi et porro suscepti ad controversias in Synodo Londinensi suborientes foeliciter expediendas et decidendas nequando poeniteat, ex eo quem per divinam jam benedictionem fructum cepistis, optima quaeque in posterum sperare consentaneum est.

Huic tam honorificae benevolentiae vestrorum commemorationi a D. Varistonio factae supervenerunt ex partibus Hiberniae aquilonaribus Literae multorum Chirographis subsignatae; Qui singularis gratiae in illam Ecclesiam divinitus effusae, ex quo tempore in societatem federis trium unitorum sub Rege nostro Regnorum admissi sunt, mentione facta, "hujus inquit divinae benedictionis amplissimum nuper habuimus testimonium, Sanctorum in Belgio liberalitatem eximiam; qui nobis, ignotis licet et peregrinis, fratres se nostri amantissimos, et malorum nostrorum sensu tenerrimo compunctos aperte demonstrarunt. Pauculos enim nos gladio superstites, et fame propediem interituros, omnibus extremis circumventos, in ipso articulo sublevarunt: nec tantum oratione ad consolationem composita nobis animos confirmarunt, hortantes ut humiliter incedentes Deum liberatorem expectemus, qui non nisi ad breve tempus faciem suam ad

domo Jacob abscondere solet, sed subsidio insuper opulento cum annonae, tum aliarum rerum ad nostram in tantis angustiis relaxationem et solatium necessariarum, copiose nos refocillarunt. Tantam munificentiam cum supplices a Deo contendimus, ut septuplam ipsis in sinum rependat, tum demisse vos etiam atque etiam rogamus, ut in tanti beneficii agnitione Ecclesiis Belgicis, nobiscum gratias agatis." Haec illi. In quo quidem officio si illis desimus, in nos pariter et illos graviter peccemus.

Agnosimus igitur illustrissimorum et potentissimorum Hollandiae, Zelandiae, aliorumque Ordinum Belgicorum tam eximiam beneficentiam: quibus non conniventibus modo et permittentibus (quod ipsum non vulgare beneficium habendum esset) sed authoribus etiam, modumque et rationem praescribentibus, exemplo quoque praecedentibus, in subsidium fratrum nostrorum Hibernensium collecta per Ecclesias facta ad ipsos mature deportata sit: Agnoscimus piorum in iisdem Ecclesiis Belgicis tam expromptam voluntatem et liberalitatem: agnoscimus tantum beneficium non in ipsos magis fratres nostros, quam in illorum persona in nosmetipsos esse collatum: Vosque (fratres Reverendi) obnixè rogatos volumus, ut quemadmodum nos ad omnem grati animi significacionem prompti semper erimus, ita qua vobis potissimum ratione commodum videbitur, illustrissimis et potentissimis Ordinibus nostro nomine gratias agatis: populo autem Christiano curae vestrae commisso tum publice universo, tum privatim singulis, ut occasio tulerit, demonstratis quam honorifice de ipsis sentiamus, et quanti faciamus tam eximiam benevolentiam et charitatem, qua in Ecclesiarum Hibernicarum consolatione viscera nostra refocillaverunt. Quae autem vestrae fuerint partes, fratres charissimi, quam pio studio et labore, quam assidua diligentia tantae charitatis senu in segetem et maturam tandem messem provexeritis, cum nos libentes agnoscimus, tum res ipsa loquitur, et fructus opimus abunde testatur. Imprimis autem (quod caput est) tantae gratiae authorem et largitorem nos una cum Ecclesiis Hibernicis laudamus et celebramus: comprecantes ut in vos universos, in Ecclesias a Domino vobis commissas, in illustrissimos Belgii vestri Ordines Spiritum suum copiose effundat, ut quemadmodum in Rep. vestra adversus hostem potentissimum defeudenda, et inter tantas bellorum moles indies amplificanda, in Evangelii luce et veritate incontaminata contra inferorum portas in vestris Ecclesiis propugnanda, atque inde latius propaganda, immensa Dei vobis excubantis potentia, multiformis sapientia, et eximia beneficentia, per universum terrarum orbem haecenus celebrata est; ita bonis omnibus vos deinceps emulare pergat idem fons omnis bonitatis, ut frementibus religionis et libertatis vestrae hostibus, sapientiae et optimarum artium juxta ac armorum triumphorumque gloria inter nobilissimas gentes Resp. vestra foederata quotidie magis emineat, Ecclesia sacrorum puritate, et caelestis veritatis splendore perspicua refulgeat; eoque prospere vobis cedant vestra prudentissima et saluberrima consilia, quibus certissimum ad foelicitatem publicam compendium vos capessere demonstratis, nec vobis tantum consultis, sed de vicinis etiam Ecclesiis sollicitis, qua opera, qua consilio opibusque vestris eas sublevatis et confirmatis omnes, et quasi de specula universis prospicientes de periculis imminentibus commune facitis, et ad ruinam ab hostibus dolose machinatum mature praecavendam armatis.

Ergo quod anno superiori, veluti signo dato, Reformatas omnes Ecclesias, missis ex Zelandia literis commonuistis, ut cum impostores, Jesu nomen



impudenter ementiti, cæterique Antichristi satellites, quo securius in populum erroribus Pontificiis fascinatam grassari, et puriores Christi Ecclesias funditus extirpare queant, aretissima conjuratione sociati ad impia consilia patranda sese accinxerunt; Ita Ecclesie quoque Reformatæ sine mora consilia in medium alacriter conferant, et animos ac vires jungant, ut perniciem sibi omnibus intentatam in hostium capita retorqueant: ni fecerint, tam pudendæ ignaviæ excusatione apud posteritatem carituri; consilium non minus prudens et fidum, quam felix et salutare libenter et tum agnovimus et nunc ipso etiam eventu comprobamus.

Principio autem ad hoc consequendum necessarium videtur, ut sine mora convolemus omnes ad Deum nostrum clementissimum, qui postquam Ecclesiarum Reformatarum mores minime reformatos multis annis longanimitate sua pertulisset, ferulam primum, mox etiam gladium vibratum interminatus, tandem rubentem et madidum suorumque sanguine calentem et spumantem per regiones plurimas jam diu circumtulit; in nos denique reliquos nunc intentat, nisi mature rescipuerimus, et de domo ipsius amplius purganda, de gratia Domini nostri Jesu Christi pluris facienda, de cultu Dei ipsiusque institutis religiosius habendis, de Sabbatho ejus sanctificando, a quo nimium oculos nostros avertimus, et de moribus ad pietatis normam componendis magis serio quam hactenus a nobis factum est, nobiscum statuentes cum populo Dei sub Nehemia, Josia, reliquisque piis Gubernatoribus, religioso fœdere percusso, tanquam firmissimo vinculo Deo obstricti, nos inter nos aretius adversus hostes univerimus, ut avertat Deus jam fumantem et capitibus nostris imminuentem iram, quam peccata nostra plurima et maxima adversus nos provocarunt et accenderunt.

Non tantum nobis deferimus, nondum eos renovato cum Deo fœdere, et votis nuncupatis dignos edidimus fructus, ut nostrum exemplum vobis proponere libeat: Quod tamen experti sumus, de Dei erga nos gratia, quod gratitudo erga Deum, quod gloria ipsius a nobis flagitat, celare non audemus. Quæcunque nostra malè merita sunt in conspectu Dei et hominum; certe ex quo die nos de religioso fœdere cum Deo et inter nos ineundo cogitavimus, a portis inferorum revocari, et res nostræ omnes in Deum nostrum necessario conjectæ melius habere cœperunt, et feliciore hactenus successu processerunt. Quod si de fœderis hujusmodi religiosa societate coeunda (quod rerum vestrarum et Religionis in Britannia nostra ex fœdere nuper inito perpurgandæ et stabiliendæ commodo fieri possit) vestræ prudentiæ visum fuerit cogitare, et ex consilio eorum quorum interest statuere, ac cum aliis Reformatis Ecclesiis agere (pro ea qua apud omnes valetis gratia) ut eandem vobiscum ineant rationem, non dubium est, per Domini ac Dei nostri benignissimi Jesu Christi in Ecclesias suas gratiam, fore, ut non modo, quod certissimum adversus impendentia mala perfugium anno superiore missis ex Zelandia literis denunciastis, Ecclesie Reformatæ aretioris societatis vinculo inter se unitæ ad hostium conatus impetusque frangendos corroborentur et confirmentur; sed disjecti etiam lapides Domus Dei per Germaniam ex rudere et cineribus redi-vivi recolligantur, ac gloriosum Domini nostri Templum ibidem instaretur: et purioris Religionis Professores in istis Ecclesiis, per resipiscentiam ad eum qui percussit eos, reversi, et quod nullis canescat sæculis fœdere, Domino nobiscum coadunati, malis, sub quorum pondere tot annos gemiscunt, tandem sublevantur. Qui dies longe optatissimus si per Dei gratiam semel illuxerit; de consiliorum

communione inter Reformatarum Ecclesiarum Synodos per Legatos et Literas concilianda iuri possit ratio, per quam Ecclesie hostes compescantur, hæreses opprimantur, et schismata resarciantur, pax cum Deo et inter Ecclesias firma conservetur, et gloriosum Dei opus in Evangelio per orbem terrarum propagando, et Antichristi regno abolendo promoveatur. Quod ut optandum, et sperandum, piis et prudentibus vestris meditationibus, ut bonum semen fecundissimo solo commendamus.

Vestræ Dignitati et Fraternitati addictissimi, Pastores et Seniores Nationalis Synodi Scoticanæ, et nostro omnium nomine ac mandato,

JA. BONAR, *Moderator.*

Edinburgi, 4 Junii, 1644.

DIRECT.

Ecclesiis Dei, quæ sunt in unitis Hollandiæ, Zelandiæ, aliisque fœderati Belgii Provinciis.

*Ordinance concerning Bursars.*

THE Assembly understanding that the Overture for maintaining Bursars, in the Assembly holden in the year 1641, upon the 7 of August, Sess. 15, is never yet put in practice: Do therefore Ordain Presbyteries to put the same in practice with all diligence, and to make account thereof to the next Assembly.

*Ordinance for up-lifting and imploying Penalties contained in Acts of Parliament, upon pious uses.*

THE Assembly understanding that the executing of some laudable Acts of Parliament, made against Non-Communicants and Excommunicate persons, and of divers other Acts containing pecuniall pains for restraining of Vice, and advancing Piety, is much neglected by the slownesse of Presbyteries and Ministers, in seeking Execution thereof: Therefore ordains Presbyteries and Ministers respective, to be diligent hereafter by all means, in prosecuting full and exact Execution of all such Acts of Parliament, for lifting the saids Penalties contained in the same, and for faithfull imployment thereof, upon pious uses, and that every Presbytery report their diligence herein yearly to Generall Assemblies.

*An Overture concerning Promise of Marriage made by Minors, to those with whom they have committed Fornication.*

FORSAMEIKLE as it is found by experience, that some young men being put to Colledges by their wel-affected Parents, that they may be instructed in the knowledge of Arts and Sciences, to the intent they may bee more able for publick Employments in the Ecclesiastick and Civill state, that the said Children hes committed Fornication: And the Woman and her friends hes seduced the fore-said Schollers being Minors, to make promise of Marriage to the party with whom they have committed Fornication; And thereupon intends to get the benefite of marriage with the said young men, not onely without the consent of their Parents, but to their great grief, and to the great appearance of the ruine and overthrow of their estate: Which may be the case of Noblemen and Gentlemens children, as well as of these of other estates and degrees



within the Kingdom. Wherefore if the Assembly think it expedient, it would be declared that all such promises be made null and of none effect, especially where the maker of the promise is Minor, and not willing to observe the samine, because his Parents will not consent, but oppose and contradict, threatening to make him lose not onely his favour but both blessing and birth-right. This Ordinance shall not onely be very expedient for many good civill causes, but is very consonant and agreeable to the Word of God, and will be very comfortable to many Godly Parents, who otherwise may be disappointed of their pious intentions, and have the comfort they expected, turned to an heavy and grievous crosse.

The Generall Assembly thinks it convenient at this time, to delay any determination in the matter above-written untill the next Assembly, That in the meane time every Presbyterie may take the same to their serious consideration, and report their judgements to the Assembly.

*Act concerning dissenting voices in Presbyteries and Synods.*

THE Assembly thinks it necessar, if any Member of Presbyteries or Synods shall finde in matters depending before them, that the Moderator shall refuse to put any thing of Importance to voices; Or if they finde any thing carried by plurality of voices to any determination which they conceive to be contrary to the Word of God, the Acts of Assembly, or to the received order of this Kirk, That in either of these cases they urge their dissent to be marked in the Register; And if that be refused, that they protest as they would desire to be free of common censure with the rest: And the Assembly declares the dissenters to be censurable, if their dissent shall be found otherwise nor they conceived.

*Act concerning the Election of a Moderator in Provinciall Assemblies.*

THE Generall Assembly understanding that some Provinciall Assemblies in choosing their Moderator tye themselves to these Persons who have been before named and designed in particular Presbyteries, which is against the libertie of the Provinciall Assembly: Therefore discharges Presbyteries to make any such nomination hercafter; And ordain Provincials in their first meeting, to elect their Moderator, and to make their own List for that effect without any such praelimitation.

*Act for keeping of the Fast by the Congregations in the Towne where the Assembly holds.*

THE Assembly judge it most necessar and comely, seeing the first day of the meeting of Generall Assemblies, is by the laudable practice of this Kirk a day of Fasting and Humiliation, for craving the Lords blessing to that meeting; That not onely the Members of the Assembly, but that all the Congregations also of the Town where the Assembly holds bee so exercised: And that publick worship be in all the Kirks thereof that day for that effect.

THE Generall Assembly appoints the meeting of the next Assembly, to be upon the last Thursday of May, in the year 1645.

*INDEX of the ACTS of the ASSEMBLY holden at EDINBURGH, 1644. Not Printed.*

- 1.—Election of Master James Bonar Moderator. Sess I.
- 2.—Continuation of the decision in the question concerning the Commission from Craill, untill the appellation be discussed. *Ib.*
- 3.—Appointment of Committees for Bills, Reports, &c. Sess. II.
- 4.—A Letter from the Presbytery at the Armie concerning sending Ministers unto them. *Ib.*
- 5.—A Letter from the Presbyterie in Ireland. *Ib.*
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- 7.—The desire of the Convention of Estates, to quicken the proceedings of the Assembly, and the Assemblies resolution thereinto. Sess. III.
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- 9.—Renovation of the Act of the preceding Assembly, for planting the new Colledge of St Andrews. *Ib.*
- 10.—Ref. of Denmures Bill.
- 11.—Ref. of Aytouns Bill.
- 12.—Committee to consider some Overtures concerning Universities and Schooles. Sess. IV.
- 13.—Commission granted to M. William Cockburn, M. Hugh Mackale for the first 3 Moneths beginning the 1 of Aug. next; to M. George Dick, and M. John Dick the next 3 Moneths; and to M. John Levingstoun, and M. Thomas Wylie for the last 3 Moneths, to repair to the North of Ireland, bearing the same power granted to the Persons appointed for that imployment by the preceding Assembly. *Ib.*
- 14.—Renovation of the Commission for sending Expectants to Ireland. *Ib.*
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- 17.—Act for M. George Halyburtouns going to the Army. *Ib.*
- 18.—Report of the Lords of Exchequer their promise concerning payment of some of the arrears of the annuitie of 500 lib. *Ib.*
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- 21.—Ref. to the Commission for planting the New Colledge of Aberdene. *Ib.*
- 22.—Transportation of M. George Leslic to the Kirk of Leslic. *Ib.*
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- 24.—Ref. of the Countesse of Kinnowles Bill to the Commission. *Ib.*
- 25.—Act concerning M. Andrew Murray Minister at Ebdie. *Ib.*
- 26.—Act and Ref. concerning the planting of the Kirk of Lamingtoun. *Ib.*
- 27.—Ref. to the Commission of the Assembly concerning Overtures for Universities and Schooles, &c. Sess. VI.
- 28.—Ref. to the said Commission for planting the Kirk of Aberdeue. *Ib.*



- 29.—Indiction of a Fast. *Ib.*
- 30.—Renovation of the appointment of the preceding Assembly for framing a Directory for Worship, and for tryall of Synods, Presbyteries, and Kirks. *Ib.*
- 31.—Act for the Clerks subscribing the deliverance of the Committee of Bills for charity to the distressed people of Ireland. *Ib.*
- 32.—Ref. to the Commission for considering the formes and draughts of Commissions for visitation of Universities. *Ib.*
- 33.—Act recalling two Acts of the Commission for visitation of the University of S. Andrews. *Ib.*
- 34.—Recom. to the Commission concerning confirmation of Ministers Books in their wives Testaments. *Ib.*
- 35.—Recom. to the said Commission concerning Witches and Charmers. *Ib.*
- 36.—Ref. of the Overtures of the Synod of Murray to the said Commis. *Ib.*
- 37.—Recom. of D. Adam Stuart. *Ib.*
- 38.—Renovation of the Act concerning James Murray. Sess. ult.
- 39.—Continuation of the Commission of the preceding Assembly appointed to sit at Air. *Ib.*
- 40.—Act concerning M. Robert Peirson Minister in Orkney. *Ib.*
- 41.—Recom. of the Lord Gasks Bill. *Ib.*
- 42.—Act concerning the Kirks of Aberchirdour and Ennerkethenne. *Ib.*
- 43.—Ref. of M. Alex. Petries Letter to the Commission of Assembly. *Ib.*
- 44.—Act concerning the reposition of M. John Maxwel sometime Minister at Glasgow, with an Ordinance for his subscribing a particular Declaration of the unlawfulness of Episcopacy. *Ib.*
- 45.—Ref. of my Lord Seatons Bill to the Commission of Assembly. *Ib.*
- 46.—Letter from the Presbyterie at the Army, with a Reference to the Commission concerning the restraint of transporting Women to the Army. *Ib.*
- 47.—Ref. to the Commission of Assembly concerning the Letters from the Commissioners at London, &c. and concerning the Paraphrase of the Psalmes in Meeter. *Ib.*
- 48.—Ref. of my Lord Yesters Bill to the said Commission. *Ib.*
- 49.—Act concerning M. Alexander Trotter. *Ib.*
- 50.—Ref. of Margaret Thomsons Bill to the Commission of Assembly. *Ib.*
- 51.—Remit. to the Presb. of Achterardour, concerning the matter of M. William Cook. *Ib.*
- 52.—Transplantation of M. William Rait to Brechen. *Ib.*
- 53.—Ordinance for the Ministers of the Presbytery of Peebles their acknowledgement of their disobedience to the Acts both of the Generall and Provinciaill Assemblies, in admitting M. John Hay, upon their knees before the Provinciaill of Louthian; And approbation of the dissenters; with M. John Hayes Declaration, and the Assemblies Ordinance for his subscribing a particular Declaration concerning the unlawfulness of Episcopacie. *Ib.*
- 54.—Ref. concerning the Kirk of Lesmahago to their Provinciaill. *Ib.*
- 55.—Ratification of the Contract betwixt James Maxwel of Innerweeke, and M. John Macghie, concerning augmentation of the Ministers provision at Dirletoun, and of the Acts of Presbytery and Synod thereanent. *Ib.*
- 56.—Ref. from the Presb. of Hadingtoun, and the Assemblies Answers. *Ib.*
- 57.—Act. for Presb. of Ersiltouns furnishing of Ministers to the Master of Cranstouns Regiment,

and for sending forth presently M. Thomas Donaldson. *Ib.*

58.—Act for the Presb. of Dalkeith sending a Minister to La. Nidries Regiment. *Ib.*

59.—Ref. to the Commission of Assembly of the desires and Overtures of Caitnes. *Ib.*

FINIS.

### Miscellaneous Historical Documents,

RELATIVE TO THE ECCLESIASTICAL AND POLITICAL  
EVENTS IN SCOTLAND—1644.

1. *Excerpts from Principal Baillie's Account of the Westminster Assembly, continued from page 384.*

*To Mr William Spang. May 31, 1644.*

You know this is no proper assembly, but a meeting called by the parliament to advise them in what things they are asked; so their not answering comes on no neglect I know very well. By all means encourage Apollonius, and whomever else you cau, to assist in this common cause: if this season be missed, it will be hardly recovered. The Independents have no considerable power either in the assembly or parliament, or the General or Waller's army; but in the city and country, and Manchester's army, their strength is great and growing; yet by the help of God and our friends, if once we had the assembly at an end, and peace, we would get them quieted. Since our Friday fast we have made good speed in the assembly. Our church-sessions, to which Independents gave all, and their opposites nothing at all, we have got settled with unanimity in the Scots fashion. Our great debate, of the power of excommunication, we have laid aside, and taken in at last the directory. . Already we have past the draught of all the prayers, reading of scripture, and singing of psalms, on the Sabbath-day, *nemine contradicente*. We trust, in one or two sessions, to pass also our draught of preaching. If we continue this race, we will amend our former infamous slowness. Always I can say little till once we pass the directory of the Lord's Supper. In the committee we found they were very stickling; the Independents, and all, love so well sundry of their English guises, which we must have away; however we are in hope of a better speed than before.

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*Publick Letter. June 7, 1644.*

Our progress in the assembly, albeit slow, yet, blessed be God, is sensible daily. We have passed, but after a world of debate, all the directory which concerns ordinary prayers, reading of the word, singing of psalms, and preaching. Our toil is exceeding great; every day, from eight in the morning till near one, and oft in the afternoon from three to half-past six, we are in exercise; only the Saturday free, and that for our Sunday's preaching, when single times any of us does vaik. All of us long much to be at home; but we are all commanded to stay, and attend this great service. Of a truth, to our power, we put spurs to their slow sides. We hope all, ere it be long, shall go according to our hearts desire. The Independents, our great retarders, it is like, shall not vaunt themselves, in the end, of their oppositions. The most of their party are fallen off to Anabaptism, Antinomianism, and Socinianism; the rest are divided among themselves. One Mr Williams has drawn a great num-



ber after him to a singular Independency, deuying any true church in the world, and will have every man to serve God by himself alone, without any church at all. This man has made a great and bitter schism lately among the Independents. We hope, if once we had peace, by God's help, with the spirit of meekness mixed with a little justice, to get the most of these erronous spirits reduced. The ministers of London, near six score, have their weekly meetings. They are all Presbyterians, except Burton, said to be a Brownist; John Goodwin to be a Socinian, and one scrupling Pædobaptism. Some of the Independents are lecturers, but none settled ministers.

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*My Publick Letter.*

We are proceeding in our assembly. This day before noon we got sundry propositions of our directory for the sacrament of the Lord's supper passed; but in the afternoon we could not move one inch. The unhappy Independents would mangle that sacrament. No catechising nor preparation before; no thanksgiving after; no sacramental doctrine, or chapters, in the day of celebration; no coming up to any table, but a carrying of the elements to all in their seats athort the church: yet all this, with God's help, we have carried over their bellies to our practice. But exhortations at tables yet we stick at. They would have no words spoken at all. Nye would be at covering the head at the receiving. We must dispute every inch of our ground.

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*For Mr Robert Ramsay. The end of June.*

Very many of the assembly are departed for want of means. The allowance granted by the parliament is not paid. What we gave in concerning ordination yet lies still, and, by the underhand dealing of the Independents, is like to come out from the House so mangled, that if we get it not helped, it will much offend us both for the matter and the preparative, it being the first paper came from us to the Houses. Very many things that come to be handled in the assembly are new to us all, and obscure. We have to do with very many scrupulous and thraward wits. Whether we have had need of prayers or not, you may judge. We have overcome many difficulties; our God has extricated us out of very many labyrinths; we are confident therefore, by the assistance of God's people there, to see a glorious work ended in these dominions, and begun elsewhere, ere it be long.

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*To Mr William Spang. June 28.*

After very great labour, we gave in, as our first fruits, a paper for ordination to both Houses. Oft had they called for it before it came. When it had lien in their hands neglected for many weeks, at last it was committed to a few of the Commons to make a report to the House about it. We hear surmises, that this committee had altered much of our paper; but I finding by Mr Rous, the chief of that committee, that the alterations were both more and greater than we suspected, and that the committee had closed their report, and were ready to make it to the House, without any further meeting, I persuaded him it would be convenient before the report was made, and either Houses engaged in any thing which was against the mind of the assembly, and of our nation, to confer privately with some of us anent these alterations. Upon this he obtained an order of the House for the committee to call for any of the assembly they pleased. This he brought to the assembly, and called out Marshal and me to tell us his purpose. We gave

him our best advice. On his motion the assembly named Marshal, Vines, Burgess, Tuckney, and the scribes, to wait on; and withal requested us to be with them. Great strife and clamour was made to have Mr Goodwin joined; but he was refused by a vote. Marshal came not. At meeting we found, they had passed by all the whole doctrinal part of ordination, and all our scriptural grounds for it; that they had chosen only the extraordinary way of ordination, and in that very part had scraped out whatever might displease the Independents, or patrons, or Selden and others, who will have no discipline at all in any church *jure divino*, but settled only upon the free-will and pleasure of the parliament. Mr Henderson, and the rest, reasoned against the dangerousness and disgrace of this their way, so clearly, that sundry of the gentlemen repented of their alterations; yet the most took all to advisement. We, in private, resolved we would, by all means, stick to our paper; else, this being the first, if we yielded to these most prejudicial alterations, which the Independents and Civilians underhand had wrought, the assembly's reputation was clean overthrown, and Erastus's way would triumph. What will be the end of this debate, God knows. If the assembly could stand to their deed, we hope to have the parliament reasonable; for they will be loth to lose the assembly and us, for the pleasure of any other party. But we fear the fainting of many of our House: this holds our mind in suspense; only we are glad we have taken the matter before it came to the House. This day we were vexed also in the assembly; we thought we had passed with consent, sitting at the table; but behold Mr Nye, Mr Goodwin, and Bridges, east all in the hows, denying to us the necessity of any table, but pressing the communicating of all in their seats, without coming up to a table. Mess. Henderson, Rutherford, and Gillespie, all three disputed exceeding well for it, with arguments unanswerable; yet not one of the English did join with us, only Mr Assessor Burgess, who then was in the chair, beginning to speak somewhat for us, but a little too vehemently, was so met with by the Independents, that a shameful and long clamour ended their debate. This has grieved us, that we fear the end of our work, always we expect it shall be better. Prince Rupert is not gone south, but north towards Cumberland. I pray God save Callendar's army and Scotland from his bloody mouth.

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*July 5, 1644.*—As for the assembly, these three weeks, Mr Nye, and his good friend Mr Herle, has kept us on one point of our directory alone, the recommending of the communicants coming up to the table to communicate. Their way of communicating, of some at the table, and some about it, without any succession of companies to more tables, is that whereon we stick, and are like to stick longer. Also the great appearance of the parliament's misleading, by a few, to change the papers we gave in to them, so that nothing shall be established on any scripture or divine right, did much afflict us. But behold, in a moment, when our credit was beginning sensibly to decay, God has come in. Our army has fought Prince Rupert, has overthrown his forces, taken his cannon and baggage, killed many of his chief officers, and chased the rest into York.

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We dare not be too much exalted, only we bless God from our heart, who is beginning to shine on our army, and make it, after very long expectance and beating down of our pride, to be a fountain of joy and hope to these who love the welfare of reli-



gion. We hope things in the assembly and parliament may go more after our mind. Our army oft signified to us, they conceived their want of success flowed most from God's anger at the parliament and assembly, for their neglect of establishing of religion. We oft told them the truth, that we had no hope of any progress here, till God gave them victories; and then, we doubted not, all would run both in parliament and assembly.

*July 12, 1644.*—In our assembly we go on as we may. The Independents and others kept us long three weeks upon one point alone, the communicating at a table. By this we came to debate, the divers coming up of companies successively to a table; the consecrating of the bread and wine severally; the giving of the bread to all the congregation, and then the wine to all, and so twice coming up to the table, first for the bread, and then for the wine; the mutual distribution, the table-exhortations, and a world of such questions, which to the most of them were new and strange things. After we were overtoiled with debate, we were forced to leave all these things, and take us to general expressions, which, by a benign exposition, would infer our church-practices, which the most promised to follow, so much the more as we did not necessitate them by the assembly's express determination. We have ended the matter of the Lord's Supper, and these last three days have been upon baptism. We have carried, with much greater ease than we expected, the publickness of baptism. The abuse was great over all this land. In the greatest parish of London, scarce one child in a-year was brought to the church for baptism. Also we have carried the parent's presenting of his child, and not their midwives, as was their universal custom. In our last debate with the committee of Commons, for our paper of ordination, we were in the midst, over head and ears, of that greatest of our questions, the power of the parliament in ecclesiastick affairs. It is like this question shall be hotter here than any where else: but we mind to hold off; for yet it is very unseasonable. As yet we are come to no issue what to do with that paper.

The chief point we wish were proven, is the real authority, power, and jurisdiction of synods and classical presbyteries over any the members, or the whole, of a particular congregation; also the right of ordinary professors to the sacraments, though they can give no certain or satisfactory signs of real regeneration. These two are the main heads; also I wish the power of presbyteries classical, to ordain and excommunicate, were cleared. Many besides the Independents, by Voetius's writs, are brought to give the rights of both these actions to the congregational presbytery, much against our mind and practice. The churches of Jerusalem, Corinth, and the rest of the apostolick churches mentioned in the New Testament, which can be proven to have practised either ordination or excommunication, appear to us to have been classical, consisting of more congregations than one, and of greater numbers, when they did exercise either of these acts, than could meet in one place. Also it is a great question about the power of jurisdiction in a congregation. We are not against the people's power of election of the officers, or, at least, free consent thereto; but beside, they press all process and acts of censures to be done, if not in the name and authority, as the Brownists, and those of New England, yet necessarily in the presence, and with the consent, not only of the presbytery congrega-

tional, but also of the whole people, even every communicant male. If in these we were agreed, I think the difficulty would be small in any other matter.

*To Mr David Dickson. July 23, 1644.*

Our progress in the assembly is small; there is so much matter yet before us, as we cannot win through for a long time after our common pace. Our Independents continue and increase in their obstinacy. Much is added to their pride and hope by their service at the battle of York; albeit much of their valour is grounded on very false lies, prejudicial to God, the author, and to us, the true instruments, of that day's honour. The politick part in the parliament is the stronger, who are resolute to conclude nothing in the matters of religion, that may grieve the sectaries, whom they count necessary for the time. Our army is much diminished in number and reputation. Also here Callendar's army is called very small, and no ways able to reduce Newcastle. The letters we have, both from the committee and presbytery at York, are much for a safe peace; which we wish from our heart; but think their proponing of it is from the conscience of their present weakness. We fear the extraordinary long stay of our commissioners be from new factions and divisions among yourselves.

The sectaries of divers sorts, Anabaptists chiefly, increase here. Very many are for a total liberty of all religions, and write very plausible treatises for that end. Sundry of the Independents are stepped out of the church, and follow my good acquaintance Mr Roger Williams, who says, there is no church, no sacraments, no pastors, no church-officers or ordinance in the world, nor has been since a few years after the apostles. If our commissioners were once come up, we mind to put them a little harder to it, and see what they understand by their uniformity, which they have sworn to us. We can make no certain conclusion, but that we believe God will work his own gracious ends by man's weakness. One week we have fair appearance to get all things quickly done according to our mind, another week such alteration in affairs, that nothing less can be hoped for. These vicissitudes of hopes and despair, when we look to the earth, are very frequent.

Our assembly being wearied with sitting since the beginning of July was a-year, without any intermission, was earnest for a little relaxation; so fourteen days were obtained from the Houses, of vacation. We sit not till Wednesday, August 7th.

*For Glasgow. August 7, 1644.*

This day we sit down in our assembly, after our vacance. The House of Commons have past the paper of ordination unanimously, with some alterations, which are to be considered by us. The right settling of that business will be a great step to advance our affairs. The little interruption we have had in our sitting, make both ourselves, the Houses, and the city, and all the world, to call on us for dispatch; and it seems God, disposing of all affairs, is making for our furtherance; so we hope for a farther progress quickly, than for a long time by-gone we have made.

That old fox Urban is at last gone to his place; yet the devil his father cannot die, and will never want a son to be the Pope's successor. At our sitting down this day, a great many of our brethren



did complain of the great increase and insolency in divers places of the Antinomian and Anabaptistical conventicles. A committee was appointed for a remedy of this evil, to be represented quickly to the parliament. Mr Edwards has written a splendid confutation of all the Independents apology. All the ministers of London, at least more than 100 of them, have agreed to erect a weekly lecture for him in Christ's Church, in the heart of the city, where he may handle these questions, and nothing else, before all that will come to hear. We hope God will provide remedies for that evil of Independency, the mother and true fountain of the church's distractions here.

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*For Mr William Spang. August 10, 1644.*

The first day after our vacance, a number of complaints were given in against the Anabaptists and Antinomians huge increase and intolerable insolencies. Notwithstanding of Mr Nye's and others opposition, it was carried that the assembly should remonstrate it to the parliament. Both Houses took our complaint well, has sent for the chief of the seditious sectaries, and promises a quick remeid to that great and dangerous evil.

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God permits these gracious men to be many ways unhappy instruments. As yet their pride continues; but we are hopeful the parliament will not own their way so much as to tolerate it, if once they found themselves masters. For the time they are loth to cast them off, and to put their party to despair, lest they desert them. The men are exceeding active in their own way. They strive to advance Cromwell for their head.

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*Publick Letter. August 18, 1644.*

We have gone through, in the assembly, the whole directory for baptism, except some little things referred to a committee, also the whole directory for solemn thanksgiving, with a good unanimity. So soon as my Lord Wariston came up, we resolved on the occasion of his instructings, and the letters of our general assembly, both to ourselves and to this assembly, which he brought to quicken a little, who had great need of spurs.

Lord Wariston very particularly declared in the assembly the passionate desires of our parliament, assembly, army, and whole people, of the performance of the covenanted uniformity; and withal we called for a meeting of the grand committee of Lords, Commons, Assembly, and us; to whom we gave a paper, notably well penned by Mr Henderson, bearing the great evils of so long a delay of settling religion, and our earnest desires that some ways may be found out for expedition. This paper my Lord Sey took to deliver to the House of Lords, Mr Solicitor also for the House of Commons, and a third copy was given to Mr Marshal, to be presented to the assembly. On Tuesday last there was a solemn fast for General Essex's army. Mr Palmer and Mr Hill preached that day to the assembly, two of the most Scottish and free sermons that ever I heard anywhere. The way here of all preachers, even the best, has been, to speak before the parliament with so profound a reverence as truly took all edge from their exhortations, and made all applications toothless and adulterious. That style is much changed of late: however, these two good men laid well about them, and charged publick and parliamentary sins strictly on the backs of the guilty; amongst the rest, their neglect to settle religion according to the covenant, and to set up ordination, which lay so long in their hands.

This was a means to make the House of Commons send us down that long delayed paper of ordination. On Thursday it was twice publicly read, so much altered from our paper, that all of us did much mislike it. To encourage the assembly to reject it, we did add in the end of our paper an express disavowing of it; and at the committee's desire, we set down our reasons in writ against the House's alterations; which did so encourage the assembly, that this day, unanimously, they sent a committee to the House, to crave leave to consider their alterations; for without their express order they have not so much power as to debate a question. This leave is granted: we are confident of reason, seconded by more plain and stout dealing than hitherto has been used, to make them take up their unreasonable alterations of our first paper; also we have the grand committee to meet on Monday, to find out ways of expedience; and we have got it to be the work of the assembly itself, to do no other thing till they have found out ways of accelerating; so by God's help we expect a far quicker progress than hitherto.

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*August 28, 1644.*—Our assembly these days bygone has been busy on the House of Commons their alterations of our paper of ordination; at last they have agreed to send back our desires for changing the most of these alterations, according to the papers which we gave in to the assembly and both Houses. Concerning these alterations, we expect, without farther ado, the Houses will pass our desires; so that presently all the youths in England, who for many years have waited for a pure ordination, shall be admitted to churches; and when all these, and what moe Scotland can afford of good youths for the ministry here, are provided, it is thought some thousands of churches must vaik for want of men. Our next work is, to give our advice what to do for suppressing of Anabaptists, Antinomians, and other sectaries. This will be a hard work; yet so much as concerns us will be quickly dispatched, I hope in one session. It is appointed thereafter that we return to the government, and to hold to it till we conclude the erection of sessions, presbyteries, and synods. The most of the directory is passed, and the rest is given to proper hands to prepare the models for the assembly. All the world are sensible of our necessitated delays, and cry for expedition. All of us long much to be at home; but the daily unexpected difficulties, and the necessitated length of our affairs, are incredible to any who is not on the place.

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*For Mr William Spang. September 13, 1644.*

This day Cromwell has obtained an order of the House of Commons, to refer to the committee of both kingdoms the accommodation or toleration of the Independents; a high and unexpected order; yet, by God's help, we will make use of it contrare to the design of the procurers.

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*Publick Letter. September 16, 1644.*

We spent a number of sessions on some propositions of advice to the parliament, for suppressing Antinomians, Anabaptists, and these who preach a liberty for all religions. Even in these, our good Independents found us great difficulty; and when we had carried our advices against their mind, they offered to give in contrare reasons to the parliament. We spent two or three days on the matter of a remonstrance to the parliament of the sins which provoked God to give us this late stroke; and here we had the most free and strange parlia-



ment that ever I heard, about the evident sins of the assembly, the sins of the parliament, the sins of the army, the sins of the people. When we were in full hope of a large fruit of so honest and faithful a censure, Thomas Goodwin and his brethren, as their custom is to oppose all things that are good, carried it so, that all was dung in the howes, and that matter clean laid by. We are again on the government. We have passed two or three propositions, that the church may be governed by three sorts of assemblies, congregational, classical, and synodical. We begin with synods, and hope to make quicker dispatch than before, by God's help. We have sundry means of haste in agitation with our private friends.

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*For Mr David Dickson. September 16, 1644.*

While Cromwell is here, the House of Commons, without the least advertisement to any of us, or of the assembly, passes an order, that the grand Committee of both Houses, assembly, and us, shall consider of the means to unite us and the Independents; or, if that be found impossible, to see how they may be tolerated. This has much affected us. These men have retarded the assembly these long twelve months. This is the fruit of their disservice, to obtain really an act of parliament for their toleration, before we have got any thing for presbytery either in assembly or parliament. Our greatest friends, Sir Henry Vane and the Solicitor, are the main procurers of all this; and that without any regard to us, who have saved their nation, and brought these two persons to the height of the power now they enjoy, and use to our prejudice. We are on our ways, with God and men, to redress all these things as we may. We had much need of your prayers. This is a very fickle people; so wonderfully divided in all their armies, both their Houses of parliament, assembly, city, and country, that it is a miracle if they fall not into the mouth of the King. That party grows in strength and courage. The Queen is very like to get an army from France. The great shot of Cromwell and Vane is to have a liberty of all religions, without any exception. Many a time we are put to great trouble of mind. We must make the best of an ill game we can. Marshal miskeens us altogether: he is for a middle way of his own, and draws a faction in the synod to give ordination and excommunication to congregations, albeit dependently, in ease of male-administration. God help us! If God be pleased to settle Scotland, and give us Newcastle, all will go well. We must see for new friends at last, when our old ones, without any the least cause, have deserted, and have half-betrayed us.

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*Publick Letter. October.*

In the assembly, thanks to God, we have throughed not only our presbyteries, but also our synods, provincial and national, and the subordination of all the four meetings, parochial, classical, provincial, and national. We are now to dispute upon the power of all the four. We have strange tugging with the Independents. The House of Commons have appointed a committee to consider of their differences with us, if they be reconcileable; or, if not, how far they may be tolerated. At first the motion did much perplex us; but, after some debates upon it, we are now hopeful to make van-tage of it, for the truth against the errors of that very wilful and obstinate party. We are in hopes to get the directory brought towards an end, and the catechism also ere long, with which some of us are likely to be sent down. The Confession of

Faith is referred to a committee, to be put in several the best hands that are here. By the help of God, procured by your prayers, our adversaries designs may contribute to the happy closure of these longsome and wonderfully troublesome affairs.

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*For Mr William Spang. October 25, 1644.*

Their greatest plot, wherewith yet we are wrestling, is an order of the House of Commons, contrived by Mr Solicitor and Mr Marshal, which they got stolen through, to the committee of Lords, Commons, and Divines, which treated with us, to consider of differences in point of church-government, which were among the members of the assembly, that they might be agreed; or if not, how far tender consciences might be borne with, which could not come up to the common rule to be established, that so the proceedings of the assembly might not be retarded. This order presently gave us the alarm; we saw it was for a toleration of the Independents by act of parliament, before the presbytery or any common rule were established. Our most trusty friend the Solicitor had throughed it the House before we heard of it. Mr Marshal had evidently, in the prosecution of it, slighted us. Sir Henry Vane, whom we trusted most, had given us many signs of his alteration; twice at our table prolixly, earnestly, and passionately had reasoned for a full liberty of conscience to all religions, without any exceptions; had publickly, in the House, opposed the clause in the ordination that required ministers to subscribe the covenant, and that which did intimate their being over their flocks in the Lord; had moved the mustering of our army, as being far less than we were paid for; had been offended with the Solicitor for putting in the ordinance the differences about church-government; and not only about free grace, intruding liberty to the Antinomians, and to all sects, he, without the least occasion on our side, did openly oppose us. Always God has helped us against him and them egregiously to this day. In the first meeting of the grand committee, Mr Marshal the chairman, by canny convoyance, got a subcommittee nominate according to his mind, to draw the differences; Goodwin and Nye, other four with himself, who joined with the Independents in giving to the congregations power of excommunication and ordination. Vines, Herle, Reynolds, Temple, Seaman, and Palmer, of our mind, were named; but seeing us excluded by Marshal's cunning, would not join. The next two or three meetings were spent on the subcommittee's draught of the differences. We found the Independents clear for the whole people, every communicant male, to have decisive voice in all ecclesiastic causes, in admission, deposition, excommunication of ministers, in determining of schisms and heresies. 2. That no congregation did depend on any superior synod, so that a congregation falling in all the heresies and crimes of the world, neither the whole nor any member of it can be censured by any synod or presbytery in the earth, however it may be refused communion by any who find no satisfaction in its proceedings; but, which is worst of all, they avow they cannot communicate as members with any congregation in England, though reformed to the uttermost pitch of purity which the assembly or parliament are like to require, because even the English, as all the rest of the Reformed, will consist but of professors of the truth in whose life there is no scandal; but they require to a member, beside a fair profession, and want of scandal, such signs of grace as persuades the whole congregation of their true regeneration. We were glad to have them declare this



much under their hands ; for hitherto it has been their great care to avoid any such declaration ; but now they are more bold, apprehending their party to be much more considerable, and our nation much less considerable than before. The change of providence did nothing daunt our courage ; yet we were much in prayer and longing expectation that God would raise us from our lowness, near to contempt, and compesce their groundless insolency. At our first meeting, my Lords Sey and Wharton, Vane and the Solicitor, pressed vehemently to debate the propositions of the subcommittee. They knew, when they had debated, and come to voicing, they would carry all by plurality in the committee ; and though they should not, yet they were confident, when the report came to the House of Commons, to get all they desired there past. So, without the assembly, they purposed immediately from this committee to get a toleration of Independency concluded in the House of Commons, long before any thing should be got so much as reported from the assembly anent presbyteries. Here it was where God helped us beside our expectation. Mr Rous, Mr Taite, and Mr Prideaux, among the ablest of the House of Commons, opposed them to their face. My Lord Chancellor, with a spirit of divine eloquence, Wariston, with the sharp points of manifold arguments, Maitland, Mr Henderson, Mr Gillespie, and all, made their designs to appear so clearly, that at once many did dislike them ; yet Henry Vane went on violently. We refused to consider their propositions, except on two express caveats ; one, That no report should be made of any conclusion of the committee, till first it came to the assembly, and from them, after examination, should be transmitted to the House of Commons ; another, That first the common rule of government should be resolved, before any forbearance of these who differed therefrom should be resolved upon. The first, after many hours sharp debate, we obtained : the second we are to debate to-morrow ; and, if we obtain it not, we have a brave paper ready, penned by Mr Henderson, to be given in to the Houses and assembly, which will paint out the Independents and their adherents so clearly, that I am hopeful that the bottom of their plots shall be dung out. While I am writing, we get the long-expected news of the taking of Newcastle, and that by storm. Blessed be the name of the Lord, who will not for ever condemn the prayers of his people. We were extremely dejected on many grounds : we were perplexed for Scotland ; beside winter, poverty, and strong, proud, obstinate enemies within Newcastle, the pest was beginning in our army ; the King, with the greatest army he ever commanded, was coming straight upon us, being hopeful to dissipate our armies before they could conjoin, and it was but the miss of one day.

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Before we had ended our prayers on Wednesday, in the assembly, the House of Peers sent us a message, by my Lord Admiral and Pembroke, with all diligence, to haste the church-government, for heresies did spread mightily over all the land ; also they told, the King had turned his back on us, and was retiring towards Oxford, finding, against his expectation, that all our armies were joined.

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November 1, 1644.—To comfort them, six or eight of the chief Lords came this day in message from the House of Peers with that letter, intreated the assembly to haste ; also in that letter the Commons voted, over the Independents bellicies, the dissolving of that dangerous committee which these

five weeks has vexed us. The preface of our directory, casting out at doors the liturgy, and all the ceremonies *in cumulo*, is this day passed. It cost us divers days debate, and these sharp enough, with our best friends.

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*Publick Letter. November 21, 1644.*

Our church-affairs go on now apace, blessed be God. Our letters from Newcastle moved the Houses to call once, twice, thrice, to the assembly for expedition. They sent up our propositions concerning presbyteries. The Independents gave in the reasons of their dissent therefrom. These are in the hands of a committee. The answer is like to be full and satisfactory to the world, and possibly to the parties themselves. In a few days, all we have done about government will be sent up to the Houses, against which the Independents will have nothing considerable to say more than is in their papers against Presbyteries. But that which most comforts us is the directory. All that we have done in it is this day sent up, with a full unanimity of all. Many a wearisome debate has it cost us ; but we hope the sweet fruit will overbalance the very great toil we had in it. The last passage was sensibly from God. After, with huge deal of ado, we passed the parts that concerned prayers, reading of scripture, preaching, both the sacraments, ordination, and sanctification of the Sabbath, there were many references to the preface ; one, to turn the directory to a straight liturgy ; another to make it so loose and free, that it should serve for little use : but God helped us to get both these rocks eschewed. Always here, yesterday, when we were at the very end of it, the Independents brought us so doubtful a disputation, that we were in very great fear all should be cast in the haws, and that their opposition to the whole directory should be as great as to the government ; yet God in his mercy guided it so, that yesterday we got them, and all others, so satisfied, that, *nemine contradicente*, it was ordered all together to be transmitted to the Houses, and Goodwin to be one of the carriers ; which was this day done, to all our great joy, and hope that this will be a good ground of agreeance betwixt us and them, either soon or syne. What remains of the directory, anent marrying and burial, will soon be dispatched. The catechism is drawn up, and, I think, shall not take up much time. I fear the Confession of Faith may stick longer. However, we will, by God's help, have so much work done in a month, that it seems necessar to have a general assembly in Scotland shortly, that some of us may bring there what has been so long in doing, to be revised, and, I hope, without great difficulty, to be passed. If it please the Lord to perfect this work, it will be the sweetest and most happy business that ever in this isle was enterprised. The hope of it comforts us in the midst of our perplexities, which sometimes are not small.

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*Publick Letter. December 1, 1644.*

The House of Commons have passed, without any variation to count of, all the directory we sent them, and I hope to-morrow will send it to the Lords to make an ordinance upon it. In the assembly we have stuck longer than we expected on marriage : but I hope to-morrow we shall end it ; and before this week end we shall pass the two remanent parts of the directory, fasting, and burial, or visitation of the sick ; also, that we shall one of the days of this week send up the rest of our votes of government, except we fall in debate of some pas-



sages of our too large answer to the Independents reasons against presbyteries. Believe it, for as slow as you may think us, and as we pronounce ourselves to be, yet all the days of the week we are pretty busy. We sit daily from nine till near one; and after noon till night we are usually in committees. Saturday, our only free day, is to prepare for Sunday; wherein we seldom vaik from preaching in some eminent place of the city. Judge what time we have for letters, and writing of pamphlets, and many other businesses. We would think it a great ease both to our bodies and spirits to beat home.

Lieutenant-General Cromwell has publickly, in the House of Commons, accused my Lord of Manchester of the neglect of fighting at Newbury. That neglect indeed was great; for, as we now are made sure, the King's army was in that posture, that they took themselves as lost all utterly. Yet the fault is unjustly laid on Manchester. It was common to all the general officers then present, and to Cromwell himself as much as to any other. Always Manchester has declared himself abundantly in the House of Lords and there has recriminated Cromwell, as one who has avowed his desire to abolish the nobility of England; who has spoken contumeliously of the Scots intention of coming into England to establish their church-government, in which Cromwell said he would draw his sword against them; also against the assembly of divines, and has threatened to make an army of sectaries, to extort by force, both from King and parliament, what conditions they thought meet. This fire was long under the embers; now it has broken out, we trust, in a good time. It is like, for the interest of our nation, we must crave reason of that darling of the sectaries, and in obtaining his removal from the army, which himself, by his own rashness, has procured, to break the power of that potent faction. This is our present difficult exercise.

*To Mr William Spang. December 6, 1644.*

We never go so quickly in the assembly as we expect. This week, after many sharp debates, we have agreed, and sent up to the Houses, our directory, for marriage, and days of thanksgiving; also we have, with much difficulty, passed a proposition for abolishing their ceremonies at burial: but our difference about funeral sermons seems irreconcilable, as it has been here and every where preached. It is nothing but an abuse of preaching, to serve the humours only of rich people for a reward. Our church expressly has discharged them on many good reasons. It is here a good part of the ministers livelihood; therefore they will not quit it. After three days debate, we cannot find yet a way of agreeance. If this were passed, there is no more in our directory, but fasting and holidays, wherein we apprehend no difference. Upon these, with our votes of government already passed, and our answers to the Independents reasons, the next week, I think, will be spent.

This matter of Cromwell has been a high and mighty plot of the Independent party to have gotten an army for themselves under Cromwell, with the ruin, and shamefully unjust crushing, of Manchester's person, of dissolving the union of the nations, of abolishing the House of Lords, of dividing the House of Commons, of filling the city, and most of the Commons, with intestine wars, of setting up themselves upon the ruins of all; but God, who has drawn us out of many desperate dangers, is like to turn this dangerous mischief on the heads of the

contrivers. I hope it shall break the far more supposed than real strength of that party, and unite us more strongly; but we are yet wrestling with them. By the next you may have more.

*Publick Letter. December 26, 1644.*

We daily now make good progress in the assembly. We have sent up our directory for marriage and thanksgiving; we have also got through burial. We have some little thing to say of fasting, and visiting of the sick; and so our long-looked for directory will be closed. It is exceedingly liked by all who see it. Every piece of it passes the Houses as fast as we send it. Our answers to the Independents reasons are now ready, and I hope this week may be sent up to the House. We have also put together all our votes of government, and will send them up to-morrow to both Houses. The Independents have entered their dissent only to three propositions: "That in Ephesus was a classical presbytery; That there is a subordination of assemblies; That a single congregation has not all and sole power of ordination." Their reasons against these three propositions we expect to-morrow. Against the end of the next week we hope our committees will have answers ready to all they will say; and after all is sent up to the House, by God's help, we expect shortly an erection of presbyteries and synods here; for there appears a good forwardness to expedite all things of that kind in both Houses since the taking of Newcastle. If the directory and government were once out of our hands, as a few days will put them, then we will fall on our great question of excommunication, the catechism, and confession. There is here matter to hold us long enough, if the wrangling humour which long predominated in many here did continue; but, thanks to God, that is much abated, and all incline towards a conclusion. We have drawn up a directory for church-censures and excommunication; wherein we keep the practice of our church, but decline speculative questions. This, we hope, will please all who are not Independents; yea, I think even they needed not differ with us here: but it yet appears they will to separation, and are not so careful to accommodate, as conscience would command peaceable men to be. However, we hope to get the debates of these things we most feared either eschewed or shortened. We have near also agreed in private on a draught of catechism; whereupon, when it comes in publick, we expect little debate. I think we must either pass the Confession to another season, or, if God will help us, the heads of it being distribute among many able hands, it may in a short time be so drawn up, as the debates of it may cost little time. All this chalking is on the supposition of God's singular assistance, continuing such a disposition in the assembly and parliament as has appeared this month or two bypast. On this supposition, two months, or three at most, may do much to put on the cope-stone of our wonderful great work.

We hope this day to close in the assembly, the remainder of our directory, and to send it up to-morrow to the Houses; so the next week we expect an ordinance of parliament for the whole directory. We have transmitted our answers to the Independents reasons against our presbytery. They are well taken, and now upon the press. We hope, in the beginning of next week, to send up also our answer to their reasons against synods. We make no question but shortly thereafter the Houses will pass an ordinance for the government; what is behind, a



good part of it, will be ended, and follow us to our general assembly; and all the rest, by all appearance, will be closed in a month or two thereafter; for all men now incline to a conclusion.

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*For Mr William Spang. December 27, 1644.*

We have ended this day the directory in the assembly. The Houses are through the most of it already. Before we go they will pass all. What remains of the government concerning the hard questions of excommunication, Mr Henderson has drawn it up by way of a practical directory, so calmly, that we trust to get it all past the assembly next week, without much debate. The men whom most we feared, profess their satisfaction with that draught. It is certainly true of what you wrote, of the impossibility ever to have gotten England reformed by human means, as things here stood without their brethrens help. The learnedest and most considerable part of them were fully Episcopal. Of these who joined with the parliament, the greatest and most countenanced part were much Episcopal. The Independents had brought the people to such a confusion, that was insuperable by all the wit and strength which was here; but God has so guided it, that all has contributed for the main work. The wickedness of the Popish and Prelatical faction still continuing and increasing; the horrible extravagancies of the sectaries; the unreasonable obstinacy of the Independents; the strange confusions of this long anarchy; and, most of all, God's good hand on us here in the assembly, and on our armies in the fields, has contribute to, dispose this land to a very fair reformation above all their hopes.

[See continuation of the Account of the Westminster Assembly, appended to the Acts of 1645.]

2. *Note of Proceedings in the Convention of Estates relative to the Church, from the 27th of June, 1643, to the 29th of July, 1644.\**

1643.

*June 27.* Act for Printing the Declaration of the General Assembly.—Acts, vol. vi., p. 7.

*July 4.* Answer of the Convention to the Remonstrance and Desires of the Commissioners of the General Assembly, p. 8.

*July 6.* Remonstrance of the Commissioners of the General Assembly, concerning the Remedies of the present Danger of Religion, p. 9.

*July 11.* Committee for the Remedies of the Dangers of Religion, p. 13.

*July 13.* Warrant to print the Answer of the Convention to the Remonstrance of the General Assembly, and the Second Remonstrance, p. 13.

*July 14.* Declaration of the Parliament of England, (June 27, 1643,) p. 13.

*July 17.* Answer of the Estates to the Declaration of the Parliament of England, p. 14.

*Aug. 17.* Covenant to be betwixt the two Kingdoms, p. 41. The Estates' Approbation of the Covenant, p. 43.

*Aug. 26.* The Result of the Treaty with the English Commissioners, (Aug. 25, 1643,) p. 47. Declaration of the Estates to the Parliament of England, p. 50. Earl of Leven appointed Lord General, p. 59. Act anent Non-Covenanters' Estates, p. 61.

\* As copies of Mr Thomson's edition of the Acts are deposited in the office of every Sheriff-Clerk, and are accessible to all who think fit to consult them, it is not thought necessary to give more than the title and page in which several Acts, referring to the Church, may be found.

Act for putting the Kingdom in a posture of Defence, p. 61.

1644.

*Jan. 4.* Act ordaining the Rents of Non-Covenanters to be uplifted for the use of the Public.—Acts, vol. vi., p. 61. (See below.) Act for putting the Kingdom in a posture of Defence, p. 61.

*Jan. 6.* Act anent Presentation of Ministers by Presbyteries to Crown Patronages, p. 66. Declaration of both Kingdoms as to Defence of Religion, &c., p. 66. (See below.)

*June 28.* Instructions for the Commissioners who are to go to England, p. 101.

*July 15.* Act anent Ratification of calling Convention, Ratification of League and Covenant, Articles of Treaty, &c., p. 106.

*July 16.* Commission to those sent to England concerning Treaty of Peace, p. 115.

*July 23.* Act discharging Execution of Captions on Sunday, p. 127. Act anent Divoree for Adultery, p. 127. Act discharging Patronages belonging to particular Ministers, p. 128. Act against Tavern-keepers selling Drink on Sunday, p. 128. Act declaring the Books of Ministers surviving their Wives, not to fall in their Wives' Exceuty, p. 128. Act declaring Vacant Stipends should be employed upon Pious Uses, p. 128. Ratification of Act of Convention concerning Presentations to Kirks of his Majesty's Patronage, p. 129. Act in favour of Ministers for their Stipends—Universities, &c., anent Malignants' Rents, p. 129. Act anent Universities of St Andrew's, Glasgow, Aberdeen, and Edinburgh, p. 129.

*July 24.* Act renewing Commission for Plantation of Kirks and Valuation of Teinds, p. 130.

*July 27.* Act extending former Acts anent Designation of Manses and Gleibs to Ministers, p. 142. Ratification in favour of Town of Edinburgh of Mortification granted to them of the Bishopricks of Orkney and Edinburgh, and Deanery of Edinburgh, p. 158.

*July 29.* Renewing Commission for Conserving Peace, p. 155 and 157.

1644.—Jan. 4.

*Act anent Non-Covenanters' Estates.\**

THE Conventione ordains the estatis and rentis of all sutch as ar senteneed for not subscribeing the Covenant to be maid furthcumeand and vpliftit for the vse of the publict, reserving alwayes pouer to the Committie of Estaitis to modifie some allowance for mantenance of their wyffis and childrine within the countrey, as they sall think fitting, &c.

1644.—Jan. 6.

*Act anent Presentation of Ministers.†*

THE Convention of Estates having this day receavit an Act of the Commissioners of the Generall Assemblie, for planting of Kirks of His Majesties Patronage dureing the tyme of these troubles, presented unto them by Maister Robert Douglas, Moderator, and Maister Andrew Ramsay. And haveing considered the samyne, and the recommendation therin contained for provydeing some way, by authoritie of this Convention, for setleing and possessing the intrants in the stipendis and

\* Acts of Parliament, vol. v., p. 61.

† Ibid., p. 66, and Act of Ratification, *ibid.*, p. 129.



benefices belonging to these Kirkes, and finding no way so fitt for that end, and for preserving the right and possession of the Patronages to his Majestie, then that, in this tyme of trouble, presentationes pass his Majesties caschett and Privie Seale, quhilk is alyke, and is hereby declaired to be of as great force and authoritie as if the samyne had past his Majesties royall handis, Therefore gives hereby warrand and command to the Commissioners of the Thesaurerie, or anie one of them, to recive presentations frome Presbyteries to all Kirkes of his Majesties patronages, vauking, or quhilk heirefter sall vaike during these troubles, and to signe the samyne, and ordaines the samyne, swa signed, to passe his Majesties caschett, and thereafter the Privie Seale, and that all Letters and executorialls necessar be direct thereupon, &c.

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THE  
GENERAL ASSEMBLY,  
AT EDINBURGH, 1645.

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THE Assembly of 1644, at its rising, appointed the next meeting in May, 1645; but the important military and political movements which at that period agitated the whole British dominions, rendered an earlier meeting expedient. The first Triennial Parliament of Scotland (which met, according to the enactments on the subject, in 1641) having, at the close of its session, in the summer of 1644, been continued to the first Tuesday of January following—and the Assembly being now virtually an integral branch of the Scottish Legislature, in regard to political as well as spiritual affairs—the Commission convoked an extraordinary Assembly, to be held on the 22d of January, 1645, at the same time with the meeting of Estates, which assembled on the first Tuesday of that month.

It is quite impossible, in the narrow limits to which we are confined, to attempt giving anything like a full or correct picture of the miserable state of anarchy, wrangling, bloodshed, and terror, which pervaded these kingdoms during the few months which intervened betwixt the two Assemblies of 1644 and 1645: the interminable altercations which took place among theologians, politicians, and cavillers of every conceivable description, fill volumes. After above three years' confinement in the Tower, Laud, the ousted Archbishop of Canterbury, was, to gratify the Scotch, put upon his trial by the English Parliament; and, on the 10th of January, 1644, the Covenanters were fully avenged, in his blood on the scaffold, for the part he took in regard to the Service-Book of 1637.

But, reverting to military operations, we may just notice that, on Sunday, the 3d of July, 1644, the Battle of Marston Moor was fought, betwixt the King's troops and the combined armies of the English and Scotch Parliaments, when the latter

obtained a decisive but dearly-won victory. The King lost 10,000 men in killed and prisoners, forty-seven standards, and twenty-five pieces of cannon, besides great store of arms and munitions. This battle is memorable as being the first great occasion on which the military genius of Oliver Cromwell shone forth conspicuously, and as the commencement of a course by which he ascended to supreme power in the State.

To counterbalance this and other successes in England, an insurrection in the King's favour, of which Montrose was the guiding spirit, took place in Scotland, of which, however, it were superfluous to give minute details. But while the flower of the Scottish army was engaged in co-operating with the Parliamentary forces in England, Montrose successively achieved victories of the most brilliant and extraordinary character in Scotland. In various quarters, he carried all before his handful of brave but undisciplined followers. He ravaged Glenorchy and Argyle; and, throughout the eccentric tract of his daring and desultory career, he filled the hearts of the Covenanters with terror and with a dark revenge, which was only quenched in his blood when, after other triumphs equally splendid, he was betrayed into their hands. Suffice it to state that, on the 1st of September, 1644, he defeated at Tibermuir, near Perth, a superior body of the Covenanters, commanded by Lord Elcho, although they were nearly double in numbers to his raw levies of Highlanders and Irish. A force, well appointed with cavalry and artillery, was completely routed by a band without artillery, and in which there were only three horses. Perth surrendered at discretion to the victors. He proceeded northwards to Aberdeen, secured the Bridge of Dee, and, on the 14th of the same month, stormed and sacked that city. He thence passed farther north; but superior forces being in his front, he doubled on his pursuer Argyle—who ever kept at a convenient distance in his rear—entered Badenoch, dashed through Atholl and Angus-shire, and back to Strathbogie—repulsed an attack on him by the Earl of Lothian, at Fyvie Castle; and, by all these rapid and successful movements, exhausted the military ardour of Argyle, who betook himself to winters, and retired to Inverary, in a false security, which proved fatal to his military reputation.

About the middle of December, however, Montrose, even with diminished forces, penetrated through the snows of winter, and, in paths hitherto untrodden by the feet of soldiers in hostile array, descended like an avalanche upon Argyleshire, where, from the 13th of December, 1644, till the end of the month of January, 1645, the wild heroism of Montrose's band carried slaughter and desolation throughout the territories of his chief antagonist, and the chief pillar also of the Covenant. Argyle himself, surprised and panic-struck, escaped in a fishing-boat, leaving his kinsmen and clan to the ravages of a fierce and vindictive enemy, without even striking, or attempting to strike, one



gallant blow for the honour and the cause of Mac-callamore. After satiating his followers with vengeance and plunder, Montrose retired towards Inverness, with the view of rallying the northern clans under the banner of the King, and of speedily renewing his campaign with renovated energy and augmented power. But here, for the present, we pause in our notices of his exploits; for it was while these operations were in progress—while the terror of his name filled all broad Scotland with alarm—and his meteor-like career inspired alike its chiefs and its peasantry with apprehension, lest some unexpected bolt might strike their dwellings—that the Estates and General Assembly convened in the end of January, 1645.

Coincident with the meeting of the Scottish Estates and Assembly, an attempt was made at pacification betwixt the King and both his Parliaments. On the 21st of January, the King granted a safe conduct to negotiators from both these bodies—Henderson being one of those from Scotland; and Uxbridge, near Oxford, was the place appointed for their meeting with Commissioners on the part of the King. Among the topics of negotiation, religion was, of course, a leading one. His Majesty was required to sanction a Bill for the Abolition of Prelacy—the Ordinance for the Assembly of Divines—to consent to a Directory, and certain other debatable propositions—all amounting to an establishment of Presbytery in England; and further, that the King should join in the Solemn League and Covenant, and concur in an Act of Parliament binding all the people of Britain to take it, under such penalties as might be decided on by the two Parliaments. After a fruitless and prolonged controversy—the King having refused to acquiesce in these proposals—the treaty broke off, and left the country in the same state of confusion. And even before the establishment of Presbytery in England was thus pertinaciously insisted on, the Independent faction in the English Parliament had laid a train of intrigues, by which the scheme was, ere long, rendered utterly abortive.

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## THE PRINCIPALL ACTS

OF THE GENERALL ASSEMBLY, MET OCCASIONALLY AT  
EDINBURGH, JANUARY 22, 1645.

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Die Jovis, 23 Jan. 1645. Post Meridiem.

Sess. II.

*The Letter from the Commissioners at London to the  
Generall Assembly.*

Right Honourable, Reverend, and  
beloved in the Lord.

**A**S we are not without the knowledge, so are we not without the feeling of the distresses of our Native Countrey, and of the Troubles of our dear

Brethren, specially that the hand of the Lord is stretched out against you, not only by Invasion from without of the basest of the children of men, but also by the unnaturall treachery of some within, who have dealt perfidiously in the Covenant and Cause of God: They hisse and gnash the teeth; they say, Wee have swallowed her up: certainly this is the day that wee looked for: wee have found, wee have seen it; the Lord hath caused thine Enemy to rejoyce over thee, he hath set up the horn of thine Adversaries: Yet (saith the Lord, who is thy maker and thy husband, the Lord of hosts is his name, and thy redeemer the holy One of Israel) for a small moment have I forsaken thee, but with great mercies will I gather thee. In a little wrath I hide my face from thee, for a moment; but with everlasting kindnesse will I have mercy on thee: for this is as the waters of Noah, the Covenant of my peace shall not be removed, saith the Lord that hath mercy on thee. When the foundation of the House of the Lord was laid, the Priests and Levites sung together in praising and giving thanks to the Lord, Because he is good, for his mercy endureth for ever. And we hope at this time upon the coming of our reverend Brethren, and the sight of that which they bring with them, the noise of the shout of joy, shall be louder than the noise of the weeping of the People. This we may say, that not many years ago, many of us would have been content to have losed our lives, that we might have obtained that which the Lord, if not in a miraculous, yet in a marvellous and mercifull providence, hath brought to passe in this Iland, in these dayes, which many before us, have desired to see, and have not seen. God forbid that it should seeme a small thing in your eyes which is done here already, as it is expressed in a Paper from the Parliament, and Letters from the Assembly. Ye are best acquainted with the tentations and difficulties which ye meet with there, which are also very sensible unto us; And when we consider how the Lord hath carried on his work here at the first taking of the Covenant, and since, against much learning and contradiction, against much Policie, power, and all sorts of opposition (such as Reformation useth to encounter) we are ravished with admiration of the right hand of the Almighty. For our part, we may confidently avouch in the sight of GOD and before you, whom next unto GOD we do respect and reverence, and to whom as your servants we are accomptable, that in all our proceedings we had first of all the word of GOD before our eyes for the Rule; and for our Pattern the Church of Scotland, so much as was possible; and no lesse (if not more) then if all this time since we parted from you, we had been sitting in a Nationall Assembly there, and debating matters with our Brethren at home: Where we were not able to get every thing framed to our minde, we have endeavoured as much as we could, to preserve our own Reformation and practice, of which our Brethren will give you accompt in the particulars, we hope, to your satisfaction. That an Uniformitie in every thing is not obtained in the beginning, let it not seem strange; The levelling of the high Mountain of Prelacie, The laying aside of the Book of Common Prayer, The Directory of Worship concluded in both Houses of Parliament, and the principal Propositions of Church-government passed in the Assembly, all of them according to the Solemn League and Covenant, the greatest of all, are three or foure witnesses to prove that the Lord hath done great things for us, whereof we are glad, and which make us like them that dream: And we are sure, that not onely the Reformed Kirks,



but the Papists will say, the Lord hath done great things for them.

All that we desire, is: 1. That the Directory of Worship may be returned by our Brethren with all possible expedition, that it may be published here, and put in practice, as that which is extremely longed for by the good People, and will be a remedy of the many differences and divisions about the Worship of God in this Kingdome, especially in this place: If there be any thing in it that displeaseth, let it be remonstrate upon irrefragable and convincing reason, otherwise ye will in your wisdom give approbation to it. 2. If there be any particular differences among some Brethren, which are not determined, but passed over in silence in the Directory, and yet hinted at in the Letter from the Assembly, we hope that in your wisdom ye will so consider of them, that they may be layde aside in due time, and that in the meanwhile, till the Directory be concluded and put in practice, there be no trouble about them, for that were as Snow in Summer, and as Rain in Harvest. We know nothing of that kinde, that all of us who love Unitie, Order, and Edification, may not perfectly agree in, without scandall or disturbance: And we beseech the Lord to keep that Kirk free of such Sects and Monsters of Opinions, as are daily set on foot and multiplied in this Kingdome, through the want of that Church-government by Assemblies, which hath preserved us, and we hope, through the blessing of God, shall cure them. 3. Because Nationall Assemblies cannot frequently convene, we humbly desire, that such a Commission may be settled, as we may at all occasions, til the Work be finished, have our recourse unto, for our direction and resolution: for we know both our own weaknesse, and the greatnesse of the Work: wherein we can promise no more but to be faithfull in obeying your commandments, as in the sight of God, whom with our Souls we pray, to grant you his Spirit, to guide you into all truth: And thus continue

Your humble and faithfull Servants

*Subscrib.* LOUDOUN. ALEX. HENDERSON.

JO. MAITLAND. SAM. RUTHERFURD.

Worcester house, Jan. 6, 1645.

DIRECT.

For the Right Reverend  
the General Assembly  
of the Kirk of Scotland.

*The Letter from the Synode of Divines in England, to the Generall Assembly.*

Right honourable, right reverend, and dearly  
beloved in the LORD JESUS,

**A**S cold waters to a thirsty soul, so is good news from a far Countrey. We your Brethren, yet remaining in the Furnace of affliction, and still labouring in the very fire, Have at length, by the good Hand of GOD upon us, attained so far toward the Mark at which we all aime, that we shall now send you, by two of your Reverend and Faithfull Commissioners Mr Robert Bailie, and Mr George Gillespie (our much honoured Brethren) some good news of that great Work, after which your zeal for Truth and Peace hath so much thirsted, and for which you have not loved your lives unto the death.

Our progresse therein hath not been so expeditious as was desired and expected. This, unto such as either know not, or consider not, The weight and greatnesse of the Work, nor The manifold difficulties

which have occurred to obstruct our proceedings in this day of darknesse and calamity (too sad to be expressed) hath been like unto hope deferred, which makes the heart sick: Howbeit, we trust, That when their desire (namely that which we have prepared, and are further in travell with) shall come unto them, It will be, through God, a Tree of life, as to our great comfort and encouragement, we already perceive it to be to both the honourable Houses of Parliament.

Touching the severall Papers brought to us from your Honourable and Reverend Commissioners, by the hands of the Committee appointed to treat with them in matters of Religion (one of the Papers, being given in the 10 of November 1643, Concerneth the severall sorts of Church-officers and Assemblies: Another, bearing date the 24 of January 1643, Concerneth Congregationall Elderships, and Classical Presbyteries: The other, being presented the 15 of August last, representeth the necessity of making greater speed in settling the intended Uniformity in Religion, according to the late solemne Covenant:) We hold it our duty, in regard both of the aet and inseparable Union, which the Lord hath happily and seasonably made between you and us, and of your indefatigable and inestimable labour of love to this afflicted Kingdom, to give your Lordships and the rest of that Venerable Assembly, some brief account.

Concerning one Confession of Faith, and Forme of Catechisme, we make no question of a blessed and perfect harmony with you. The publick Doctrine, held out by our Church toall the World (especially when it shall be reviewed, which is in great part done) concurring so much with yours, may assure you of your hearts desire in those particulars, so soon as time and opportunity may give us liberty to perfect what we have begun.

The chief reason of laying aside the review of our Publick Doctrine, after the happy and much desired arrival of your Reverend Commissioners here, was, The drawing up and accelerating of a Directory for Worship, and of a Forme of Church-Government; in both of which we stood at a greater distance from other Reformed Churches of Christ, and particularly from yours (which we very much honour) with whom our solemne sacred Nationall Covenant requireth us to endeavour the nearest Conjunction and Uniformity, that we and our posterity after us, may as Brethren live in Faith and Love, and the Lord may delight to dwell in the midst of us.

Nor have our labours therein been frustrate: For we have perfected and transmitted a Directory for Worship, to both Houses of Parliament, where it hath received such acceptance, that it is now passed in both the Honourable Houses of Parliament; which we hope will be to the joy and comfort of all our godly and dear Brethren in all His Majesties Kingdoms and Dominions.

We have not advised any imposition which might make it unlawfull to vary from it in any thing; Yet we hope, all our Reverend Brethren in this Kingdom, and in yours also, will so far value and reverence that which upon so long debate and serious deliberation hath been agreed upon in this Assembly (when it shall also passe with you, and be settled as the common publick Directory for all the Churches in the three Kingdoms) that it shall not be the lesse regarded and observed. And albeit we have not expressed in the Directory every minute particular, which is or might be either laid aside or retained among us, as comely and usefull in practice; yet we trust, that none will be so tenacious of old cus-



toms not expressly forbidden, or so averse from good examples although new, in matters of lesser consequence, as to insist upon their liberty of retaining the one, or refusing the other, because not specified in the Directory; but be studious to please others rather than themselves.

We have likewise spent divers moneths in the search of the Scriptures, to finde out the minde of Christ concerning a Forme of Church-government, wherein we could not but expect the greatest difficulty: For our better Progresse herein, wee have with all respect considered the severall Papers of your Honourable and Reverend Commissioners touching this Head; and do with all thankfulness, acknowledge their great zeal, judgement, and wisdom expressed therein; as also, the excellent assistance and great furtherance of your Reverend Commissioners in this great Work; which now, through GODS goodness, is very near to a period also.

In pursuit whereof, we made a strict survey and scrutinie of every Proposition, that we might finde it agreeable to, and warranted by the Word of God, in a method of our own; without resting upon any particular modell or frame whatsoever already constituted: What we have performed, and how farre we have proceeded therein, we leave to the information of your Reverend Commissioners, who have been eye and ear witnesses of all that hath past, and we doubt not but you will shortly receive a satisfactory answer from hence, so soon as it shall be passed in the Honourable Houses of Parliament.

And now, Right Honourable, and right Reverend Brethren, let it not seem grievous that we have thus long delayed the satisfying of your earnest and just expectation: It is the Lot of Jerusalem, to have her Walls built in troublous times, when there are many adversaries. Nor let it offend, that (albeit we acknowledge the many, great, and inestimable expressions of your love, zeal, and helpfulnesse unto us every way in the day of our distresse, to be beyond all that we can in words acknowledge) we professe plainly to you, That we do most unwillingly part with those our Reverend and dear Fellow-labourers, your Commissioners, whom now you have called home, to render an account of their employment here; which hath been so managed both by them and the rest of their Honourable and Reverend Colleagues, as deserveth many thanks, and all Honourable acknowledgement, not onely from us, but from you also.

Give us leave to adde, that the long experience we have had of the great sufficiency, integrity, and usefulness of them all, in the great Work of Christ our common Lord and Master, inforceth us (next to our greatest sute, for the continuance of your fervent prayers) to be earnest suiters, not onely for the continuance of these excellent helpers, Mr Alex. Henderson, and Mr Sam. Rutherford, yet remaining with us, but also for the speedy return hither of our Reverend Brethren that are now going hence, for the perfecting of that Work which yet remains. And this sute we trust, you will the rather grant, because of the great and joint concernment of both Churches and Kingdoms in these matters.

Now the spirit of wisdom and of all grace rest upon you in all your great consultations, as at all times, so especially now when you shall be gathered together in the Name of the Lord Jesus, for the further building up and polishing of his Church; and cause the fruit of all your labour to be to the praise and glory of GOD, and the comfort and rejoicing of the hearts of all the Israel of GOD: He reward all our dear Brethren of that Sister Church

and Nation manifold into their bosome, all the labours, love, and sufferings which they have afforded, and still do cheerfully continue, for our sakes and the Gospels, in this distracted and bleeding Kingdome; suppress all commotions and bloody practices of the common Enemy, in both, yea in all the three Kingdoms; set up the Throne of Jesus Christ, and make all the Kingdoms to be the Lords, and our Jerusalem to be a praise upon Earth, that all that love her and mourne for her, may rejoyce for joy with her, and may suck and be satisfied with the breasts of her consolation.

*Subscribed by*

Your most loving Brethren, and fellow-labourers in the Work of the LORD, in the name of this whole Assembly,

WILLIAM TWISSE, *Prolocutor.*

CORNELIUS BURGESS, *Assessor.*

JOHN WHITE, *Assessor.*

HENRY ROBROUGH, *Scriba.*

ADONIRAM BYFIELD, *Scriba.*

Westminster, Jan. 6, 1644.

DIRECT.

To the Right Honourable, and Right Reverend, the Generall Assembly of the Church of Scotland, these present.

28 Jan. 1645. Post meridiem. Die Martis.

Sess. V.

*Approbation of the Proceedings of the Commission of the two preceding Assemblies.*

THE Generall Assembly, having heard the report of the Committee appointed to consider and examine the Proceedings of the Commissioners of the two last Generall Assemblies, viz. Of the Assemblies held in Edinburgh in the yeers 1643 and 1644; And after mature deliberation, and serious consideration thereof, Finding that the whole Acts, Proceedings, and Conclusions of the saids Commissioners contained in a Book and Register, subscribed by Master Andrew Ker, their Clerk, and by Master George Leslie, Moderator, and Master William Jaffray, Clerk to the said Committee; Declare much wisdom, diligence, vigilancie, and commendable zeal; And that the saids Commissioners have orderly and formally proceeded in every thing according to their Commissions; Do therefore Ratifie and Approve the said whole Acts, Proceedings, and Conclusions of the Commissioners of the two Assemblies aforesaid.

3 Februar. 1645. Die Lunæ. Post meridiem.

Sess. X.

*Act of the Generall Assembly of the Kirk of Scotland, for the establishing and putting in execution of the DIRECTORY for the publick Worship of God.*

WHEREAS an happy Unity and Uniformity in Religion amongst the Kirks of Christ in these three Kingdoms, united under one Sovereigne, hath been long and earnestly wished for by the godly and well-affected amongst us, was propounded as a main Article of the large Treaty, without which Band and Bulwark no safe well-grounded and lasting Peace could be expected; And afterward with greater strength and maturity, revived in the Solemne League and Covenant of the three Kingdoms; whereby they stand straitly obliged to endeavour the neerest Uniformity in one forme of Church-government, Directory of Worship, Con-



fession of Faith, and forme of Catechising: Which hath also before and since our entring into that Covenant, been the matter of many Supplications and Remonstrances, and sending Commissioners to the Kings Majestie, of Declarations to the Honourable Houses of the Parliament of England, and of Letters to the Reverend Assembly of Divines, and others of the Ministerie of the Kirk of England, being also the end of our sending Commissioners, as was desired from this Kirk, with Commission to treat of Uniformitie in the foure particulars aforementioned, with such Committees as should be appointed by both Houses of the Parliament of England, and by the Assembly of Divines sitting at Westminster: And beside all this, it being in point of conscience the chief motive and end of our adventuring upon manifold and great hazards, for quenching the devouring flame of the present unnaturall and bloody Warre in England, though to the weakning of this Kingdome within it self, and the advantage of the Enemy which hath invaded it, accounting nothing too dear to us, so that this our joy be fulfilled. And now this great Work being so far advanced, that a Directory for the publick Worship of GOD in all the three Kingdomes, being agreed upon by the Honourable Houses of the Parliament of England, after consultation with the Divines of both Kingdomes there assembled, and sent to us for our Approbation, that being also agreed upon by this Kirk and Kingdome of Scotland, it may be in the name of both Kingdomes presented to the King, for his Royall consent and Ratification, The Generall Assembly having most seriously considered, revised, and examined the Directory afore-mentioned, after severall publick readings of it, after much deliberation, both publickly, and in private Committees, after full liberty given to all to object against it, and earnest invitations of all who have any scruples about it to make known the same, that they might be satisfied, Do unanimously, and without a contrary Voice, Agree to, and Approve the following Directory, in all the Heads thereof, together with the Preface set before it: And doth require, decerne, and ordain, That according to the plain tenour and meaning thereof, and the intent of the Preface, it be carefully and uniformly observed and practised by all the Ministers and others within this Kingdome, whom it doth concerne; which practice shall be begun, upon Intimation given to the severall Presbyteries, from the Commissioners of this Generall Assembly, who shall also take special care for the timeous Printing of this Directory, that a printed Copy of it, be provided and kept for the use of every Kirk in this Kingdome; Also that each Presbyterie have a printed Copy thereof for their use, and take special notice of the Observation or neglect thereof in every Congregation within their bounds, and make known the same to the Provinciaall or Generall Assembly, as there shall be cause. Provided alwayes, that the Clause in the Directory, of the Administration of the Lords Supper, which mentioneth the Communicants sitting about the Table, or at it, be not interpreted, as if in the judgement of this Kirk, it were indifferent and free for any of the Communicants, not to come to, and receive at the Table; or as if we did approve the distributing of the Elements by the Minister to each Communicant and not by the Communicants among themselves. It is also provided, That this shall be no prejudice to the order and practice of this Kirk, in such particulars as are appointed by the Books of Discipline, and Acts of Generall Assemblies, and are not otherwise ordered and appointed in the Directory.

Finally, the Assembly doth with much joy and thankfulness acknowledge the rich blessing and invaluable mercy of God, in bringing the so much wished for uniformity in Religion, to such a happy Period, that these Kingdoms once at so great distance in the form of Worship, are now, by the blessing of GOD, brought to a uerer Uniformity than any other Reformed Kirks, which is unto us the return of our Prayers, and a lightning of our Eyes, and reviving of our hearts, in the midst of our many sorrows and sufferings, a taking away in a great measure, the reproach of the People of GOD, to the stopping of the mouthes of Malignant and disaffected persons, and an opening unto us a door of hope, that GOD hath yet thoughts of Peace towards us, and not of evill, to give us an expected end: In the expectation and confidence whereof we do rejoyce, beseeching the Lord to preserve these Kingdoms from Heresies, Schismes, Offences, Prophanes, and whatsoever is contrary to sound Doctrine, and the power of Godlinesse, and to continue with us, and the generations following, these his pure and purged Ordinances, together with an increase of the power and life thereof, To the glory of his great Name, the enlargement of the Kingdom of his Son, the corroboration of Peace and Love between the Kingdoms, the unity and consent of all his People, and our edifying one another in love.

The DIRECTORY for WORSHIP, mentioned in the preceeding Act, needs not to be here printed, because it is to be printed in a Book by itself.

7 February, 1645. Post meridiem. Sess. XIV.

*Overtures for advancement of Learning and good Order in Grammar Schools and Colledges.*

I. THAT every Grammar School be visited twice in the year by Visitors, to bee appointed by the Presbyterie and Kirk-Session in Landward Parishes, and by the Town-Councell in Burghs, with their Ministers; and, where Universities are, by the Universities, with consent alwayes of the Patrons of the School, that both the fidelitie and diligence of the Masters, and the proficiencie of the Schollers in Pietie and Learning may appear, and deficiencie censured accordingly; And that the Visitors see that the Masters be not distracted by any other employments, which may divert them from their diligent attendance.

II. That for the remedie of the great decay of Poesie, and of abilitie to make Verse, and in respect of the common ignorance of Prosodie, no School-Master be admitted to teach a Grammar School, in Burghs, or other considerable Parochies, but such as after examination, shall be found skilfull in the Latine Tongue, not only for Prose, but also for Verse; And that after other trials to be made by the Ministers, and others depute by the Session, Town, and Paroch for this effect, that he be also approved by the Presbyterie.

III. That neither the Greek Language, nor Logick, nor any part of Philosophie be taught in any Grammar School, or private place within this Kingdom, to young Schollers, who thereafter are to enter to any Colledge, unlesse it be for a preparation to their entrie there: And notwithstanding of any progresse, any may pretend to have made privately in these studies, yet in the Colledge hee shall not enter to any higher Classe, then that wherein the Greek Language is taught, and being entred, shall proceed orderly through the rest of



the Classes, untill he finish the Ordinary course of four years : Unlesse after due triall and examination, he be found equall in Learning, to the best or most part of that Classe, to which he desires to aseend, by over-leaping a mid-Classe, or to the best or most part of those who are to be graduat, if he supplicate to obtain any degree before the ordinary time. And also, That there be found other pregnant reasons to move the faculty of Arts to condesend thereto ; And otherwise that he be not admitted to the Degree of Master of Arts.

III. That none be admitted to enter a Student of the Greek tongue in any Colledge, unlesse after triall he be found able to make a congruous Theame in Latine; or at least, being admonished of his error, can readily shew how to correct the same.

V. That none be promoted from an Inferiour Classe of the ordinary course to a superiour, unlesse he be found worthy, and to have sufficiently profited : otherwise, that he be ordained not to ascend with his con-disciples, and if he be a Burser, that he lose his Burse. And namely, it is to be required, That those who are taught in Aristotle, be found well instructed in his Text, and be able to repeat in Greek, and understand his whole definitions, divisions, and principall precepts, so far as they have proceeded.

VI. Because it is a disgrace to Learning, and hinderance to Trades and other Callings, and an abuse hurtfull to the Publick, that such as are ignorant and unworthy, be honoured with a Degree or publick Testimony of Learning ; That therefore such triall be taken of Students, specially of Magistrands, that those who are found unworthy, be not admitted to the Degree and honour of Masters.

VII. That none who have entred to one Colledge for triall or studie, be admitted to another Colledge, without the Testimoniall of the Masters of that Colledge wherein he entred first, both concerning his Literature, and dutifull behaviour, so long as he remained there : at least, untill the Masters of that Colledge from whence he cometh, be timely advertised, that they may declare if they have any thing lawfully to be objected in the contrary. And that none be admitted, promoted, or receive Degree in any Colledge, who was rejected in another Colledge for his unfittnesse and unworthinesse, or any other cause repugnant to good Order, who leaves the Colledge where he was for eschewing of Censure, or chastising for any fault comitted by him ; or who leaves the Colledge because he was chastised, or for any other grudge or unjust Quarrell against his Masters.

VIII. That none of those who may be lawfully received in one Colledge, after he was in another, be admitted to any other Classe, but to that wherein he was or should have been in the Colledge from whence he came, except upon reasons mentioned in the third Article preceding.

IX. That at the time of every Generall Assembly, the Commissioners directed thereto, from all the Universities of this Kingdom, Meet and consult together, for the establishment and advancement of Pietie, Learning, and good Order in the Schools and Universities, and be carefull that a correspondence be kept among the Universities, and so farre as is possible, an Uniformitie in Doctrinie and good Order.

The Generall Assembly, after serious consideration of the Overtures and Articles above written, Approves the same, and Ordains them to be observed, and to have the strength of an Act and Ordinance of Assembly in all time coming.

*To the Honourable and High Court of Parliament,  
The Humble Petition of the Generall Assembly of  
the Kirk of Scotland.*

ACCORDING to the constant and commendable practiee of the Generall Assemblies of this Kirk, Wee judge it ineumbent to us, Right Honourable, when the displeasure of the Almighty, and the extreame danger of this Kirk and Kingdome is so undenyably demonstrate to the eyes of the whole World, by the Invasion, Inerease, and Suessee of these Barbarous Irishes, and treacherous Countrey-men joyned with them ; Not onely out of conscience of the trust committed unto us, To proceed with the censures of the Kirk, against these who have joyned, or shall happen to joyne themselves with these enemies of GOD and his Cause, To appoint a Solemne Fast and Humiliation through the Kingdom, and to give Warning to all the Ministers and Members of this Kirk of the dangers and duties of the time ; But also, out of respect to your Honours, *who judge not for man, but for the Lord ; Who is with you in the Judgement, and standeth in the Congregation of the mighty ;* Humbly to present your Honours with our thoughts and desires concerning the duties which the exigency of this time expecteth from your hands.

The impunity of known Incendiaries and Malignants, as by the course of Divine providence (permitting those who have formerly escaped the hand of Justice to be the prime instruments of our present Troubles) it is held forth for a cause of the Wrath which yet burneth more and more ; So hath it been acknowledged before GOD in our publick Humiliations, to be a maine Cause of GODS Controversie with the Land, and an acceesion to the guiltinesse of the cruelty, villany, and other mischiefs committed by them and their followers : And to lye still under the guilt after solemne Confession, were an high provocation of GOD, and an heavy aggravation of our sinne ; And on the one part, doth grieve the Godly, discourage their hearts, and weaken their hands, On the other part, doth harden them who are already engaged, to persist in their unnaturall and bloody practiees, heartneth others, who have not hitherto avowed their Malignauncy, openly to declare themselves, and is laid hold upon by the disaffected, who lye in wait to finde occasions, as fitting to work the People to an unwillingnesse of undergoing necessary Burthens imposed for publick good.

Although the Lord hath shewn unto us great and sore Troubles, and our heart may be broken with reproach, shame, and dishonour, put upon us by the vilest among men ; Yet hath he made known unto us the power of his working amidst these manifold troubles, bringing forward the much desired Work of Uniformity in Worship and Government to a greater perfection then was expected (as your Honours and wee did see the other day with joy of heart) which is a Testimony from Heaven, That the Lord hath not left us in the fiery Furnace, but dwelleth still in the midst of the burning Bush, and should rouze up our drouping spirits to follow GOD fully, and quicken our slownesse to hasten and *help the Lord against the mighty.* In delay there is perill of strengthening the arme of the intestine Enemy, making faint the hearts of our Neighbours and Friends, and disabling us for reaching help unto those who are wrestling against much opposition to perfect the Work of Reformation. The reproach under which we lye almost buried, should bee so farre from retarding proceedings, that it should



intend the Spirit into a higher degree of desire, and expedite the hand to speedier action for vindicating our own name, and that Name which is above all names from the daily reproach of the foolish.

May it therefore please your Honours, in the zeal of the Lord, To proceed with some speedy course of Justice against such persons as are known to have joyned themselves, either actually in Arms, or by their counsell, supplies, encouragements, have strengthened the hands of the bloody Enemies, whereby a cause of the Controversie shall be removed, the Land cleansed of the blood that is shed therein, the cruell and crooked generation disheartned, the fainting hearts of the Godly refreshed, and their feeble knees strengthened; And cheerfully and unanimously to resolve upon, and put in execution all lawfull and possible wayes of speedy and active pursuing and extirpating these barbarous and unnaturall Enemies within the Kingdom: Whereby your thankfulness to GOD for promoting his owne Work, and your endeavours of uniformity, shall be testified; your sense of the dishonour of this Nation, and of the danger of delay, expressed, and your conscience of the Oath of GOD upon you manifested. Wee are confident of your Honours conscience, and care, onely we exhort you in the Lord, to unite your Spirits, and accelerate your counsels and endeavours: And pray the Lord of Hosts to prosper your enterprises, according to the engagement of his Name, interest of his Work, and necessity of his People, to his own glory, the establishment of the Kings Throne in righteousness, the comfort of his Saints, and the conversion or confusion of Enemies. *Be of good courage, and behave your selves valiantly, for our people, and for the cities of our God. Arise, and the Lord be with you.*

*Overtures propounded by the Committee, appointed by this venerable Assembly, for ordering of the Bursars of Theologie, and maintaining of them at the Schools of Divinitie.*

I. **T**HAT every Bursar have yearly payed him for his maintenance £100 at the least.

II. That the said maintenance be taken forth of the Kirk penalties, according to the intention of the first Act for maintaining of Bursars.

III. That every Presbyterie consisting of twelve Kirks in number, maintain a Bursar yearly at the University.

IV. And where the Presbyteries are fewer in number, that they joyne with other Presbyteries to make up their number: And the superplus of the number to be ordered and disposed by the Presbyteries and Synods: And that their Books bear Records thereof.

V. That the Kirks of these Presbyteries be proportionally stented, according to the number of the Communicants in each Parochin.

VI. That the said maintenance be collected by the Moderatour of every Presbyterie, by equall divided portions, and the one half to be brought in to the Winter Synod, and given to the said Bursars, and the other half at the Summer Synod, to be sent unto them: And that the severall Synods take an exact compt hereof, and see that all be rightly done, and that their Books bear the report hereof to the Generall Assembly.

VII. That the time of Bursars abode at the Schools of Divinity exceed not foure years: which being expired, or in case before the expiring of the said time, any be removed either by death, or by

some Calling to a particular Charge, another be presented to the said Benefit.

VIII. That in case any prove deficient in payment of the said maintenance for the time to come, That it shall be carefully exacted by the Synods, and sent over to the Generall Assembly, to be disposed upon by them, as they shall finde expedient; that no person may have benefit in their slacknesse and neglect.

IX. That all Bursars of Theologie bring sufficient Testimonies yearly from the Universities where they are bred, of their proficiencie and good behaviour: And that they be also ready to give a proof of their labours at the severall Synods, if it shall be required. And if they be found deficient, that they be denuded of the said Benefit, and others more hopefull placed in their rooms.

The Generall Assembly approves these Overtures above-written, And Ordains the same to be observed in all time coming. And that Presbyteries (who have not already done it) begin and enter to the maintaining of their Bursars, in manner foresaid, in this present year 1645. And Recommends to Presbyteries, to make choice of such for the Burse, as are of good report, inclined to Learning, and have past their course of Philosophie, And to try their qualification before they send them to Universities.

*The opinion of the Committee for keeping the greater Uniformitie in this Kirk, in the practice and observation of the Directory in some points of publick Worship.*

I. **I**T is the humble Opinion of the Committee for regulating that Exercise of reading and expounding the Scriptures read upon the Lords Day, mentioned in the Directory, That the Minister and People repair to the Kirk, half an hour before that time, at which ordinarily the Minister now eutreth to the publick Worship; And that, that Exercise of reading and expounding, together with the ordinary Exercise of Preaching, be perfected and ended at the time which formerly closed the Exercise of publick Worship.

II. In the Administration of Baptisme, it will be convenient, That, that Sacrament be administred in face of the Congregation, that what is spoken and done, may be heard and seen of all, and that it be administred after the Sermon, before the Blessing.

III. In the Administration of the Lords Supper, it is the judgement of the Committee;

1. That Congregations be still tried and examined before the Communion, according to the bygone practice of this Kirk.

2. That there be no reading in the time of communicating; but the Minister making a short Exhortation at every Table, that thereafter there be silence during the time of the Communicants receiving, except onely when the Minister expresseth some few short sentences, suitable to the present condition of the Communicants in the receiving, that they may be incited and quickned in their Meditations in the Action.

3. That distribution of the Elements among the Communicants be universally used: And for that effect, that the Bread be so prepared, that the Communicants may divide it amongst themselves, after the Minister hath broken, and delivered it to the nearest.



4. That while the Tables are dissolving, and filling, there be alwayes singing of some portion of a Psalm, according to the custome.

5. That the Communicants both before their going to, and after their coming from the Table, shall only joyne themselves to the present publick Exercise then in hand.

6. That when the Communion is to be celebrate in a Paroch, one Minister may be employed for assisting the Minister of the Paroch, or at the most two.

7. That there be one Sermon of Preparation delivered in the ordinary Place of publick Worship, upon the day immediately preceding.

8. That before the serving of the Tables, there be onely one Sermon delivered to those who are to communicate, and that in the Kirk where the Service is to be performed. And that in the same Kirk there be one Sermon of Thanksgiving, after the Communion is ended.

9. When the Parochiners are so numerous, that their Paroch Kirk cannot contain them, so that there is a necessity to keep out such of the Paroch as cannot conveniently have place, That in that case the Brother who assists the Minister of the Paroch, may be ready, if need be, to give a word of Exhortation in some convenient place appointed for that purpose, to those of the Paroch, who that day are not to communicate; which must not be begun untill the Sermon delivered in the Kirk be concluded.

10. That of those who are present in the Kirk where the Communion is celebrate, none be permitted to go forth while the whole Tables be served, and the blessing pronounced, unlesse it be for more commodious order, and in other cases of necessity.

11. That the Minister who cometh to assist, have a speciall care to provide his own Paroch, lest otherwise while he is about to minister comfort to others, his own Flock be left destitute of preaching.

12. That none coming from another Paroch, shall be admitted to the Communion, without a Testimoniall from their own Minister: And no Minister shall refuse a Testimoniall to any of his Paroch, who communicates ordinarily at their own Paroch Kirk, and are without scandall in their life for the time. And this is no wayes to prejudge any honest Person, who occasionally is in the place where the Communion is celebrate; or such as by death, or absence of their own Minister, could not have a Testimoniall.

III. It is also the judgement of the Committee, That the Ministers bowing in the Pulpit, though a lawful custome in this Kirk, be hereafter laid aside, for satisfaction of the desires of the Reverend Divines in the Synod of England, and for uniformity with that Kirk so much endeared to us.

The Assembly having considered seriously the judgement of the Committee above-written, Doeth approve the same in all the Articles thereof, and Ordains them to be observed in all time hereafter.

10 February 1645. Post meridiem. Sess. XVI.

*Act of the Generall Assembly of the Kirk of Scotland, Approving the Propositions concerning Kirk-government and Ordination of Ministers.*

THE Generall Assembly, being most desirous and solicitous, not onely of the establishment and preservation of the Form of Kirk-government in this Kingdome, according to the Word of GOD, Books of Discipline, Acts of Generall Assemblies, and Nationall Convention; But also of an Uniformity

in Kirk-government betwixt these Kingdomes now more straitly and strongly united by the late Sollemne League and Covenant: And considering, That as in former times there did, so hereafter there may arise through the neernesse of Contagion, manifold mischiefs to this Kirk from a corrupt Form of Government in the Kirk of England. Likeas the preeious opportunity of bringing the Kirks of Christ in all the three Kingdoms, to an Uniformity in Kirk-government, being the happinesse of the present times above the former; which may also by the blessing of GOD, prove an effectuall meane, and a good foundation to prepare for a safe and well-grounded Pacification, by removing the cause from which the present Pressures and bloodie Wars did originally proceed: And now the Assembly having thrice read, and diligently examined the Propositions (hereunto annexed) concerning the Officers, Assemblies, and Government of the Kirk; and concerning the Ordination of Ministers, brought unto us as the results of the long and learned Debates of the Assembly of Divines sitting at Westminster, and of the Treaty of Uniformity with the Commissioners of this Kirk there residing; After mature deliberation, and after tymous calling upon, and warning of all who have any exceptions against the same, to make them known, that they might receive satisfaction, Doth Agree to, and Approve the Propositions aforementioned touching Kirk-government and Ordination, and doth hereby Authorize the Commissioners of this Assembly who are to meet at Edinburgh, to agree to, and conclude in the name of this Assembly, an Uniformitie betwixt the Kirks in both Kingdoms in the aforementioned particulars, so soon as the same shall be ratified, without any substantiall alteration, by an Ordinance of the Honourable Houses of the Parliament of England: Which Ratification shall be timely intimate and made known by the Commissioners of this Kirk residing at London. Provided alwayes, That this Act shall be no wayes prejudiciall to the further discussion and examination of that Article, which holds forth, that the Doctor or Teacher, hath power of the administration of the Sacraments as well as the Pastor; As also of the distinct Rights and Interests of Presbyteries and People in the calling of Ministers: But that it shall be free to debate and discusse these points as GOD shall be pleased to give further light.

The Propositions of Government, and Ordination mentioned in the preceding Act, are not to be here Printed: but after the Ratification thereof by the Parliament of England, they are to be Printed by warrant of the Commissioners of this Assembly.

12 Feb. 1645. Post meridiem. Sess. XVIII.

THE Generall Assembly, after mature deliberation, having found it most necessary that this whole Nation be timely Warned, and duly Informed of their present Dangers, and the Remedies to be used, and Duties to be done for preventing and removing thereof; Doth ordain this Warning to be forthwith Printed and Published, and sent to all the Presbyteries in this Kingdom, as also to the Presbyteries that are with our Armies. And that each Presbyterie immediately after the receipt hereof, take speedy course for the Reading of it in every Congregation within their bounds, upon the Lords day after the forenoons Sermon, and before the Blessing: And that they give account of their diligence herein to the Commissioners of the Gene-



rall Assembly ; Who have hereby Power and War-rand to try and censure such as shall contemne or slight the said Warning, or shall refuse or neglect to obey this Ordinance.

*A Solemne and Seasonable Warning to the Noblemen, Barons, Gentlemen, Burrows, Ministers, and Commons of Scotland : As also to our ARMIES without and within this Kingdom.*

THE Cause of GOD in this Kingdom, both in the Beginnings and Progresse of it, hath been carried, through much craft and mighty opposition of euemies, and through other perplexities and dangers ; GOD so disposing, for the greater glory of his manifold and marvellous Wisdome and his invineible Power, and for our greater tryall.

These dangers both from without and from within, together with the remedies thereof, have been from time to time represented and held forth, in the many publick Supplications of this Kirk and Kingdom to the King, and in their many Declarations, Remonstrances, Letters, Aets, and other publick Intimations : Particularly by a necessary Warning published by the Commissioners of the Generall Assembly in January 1643 ; And by the Remonstrance of the same Commissioners to the Convention of Estates in July thereafter, concerning the Dangers of Religion, and the Remedies of these Dangers : which Warning and Remonstrance at that time had, by the blessing of GOD, very good and comfortable effects. And now the Generall Assembly it self, being by a speeiall Providence, and upon extraordinary occasions called together, while GOD is writing bitter things against this land in great Letters, which he that runs may read : and knowing that we cannot be answerable to GOD, nor our own consciences, nor the expectation of others, if from this chief Watch-Tower we should give no Seasonable Warning to the City of GOD : While we think of these things ; For Sions sake we will not hold our peace, and for Jerusalems sake we will not rest : trusting that GOD will give, though not to all, yet to many, a seeing Eye, a heariug Ear, and an understanding Heart : For who is wise and he shall understand these things, prudent and he shall know them : For the Wayes of the Lord are right, and the just shall walk in them, but the transgressors shall fall therein, and the wicked shall do wickedly and none of the wicked shall understand.

That which we principally intend, is to hold forth (so farre as the Lord gives us light) how this Nation ought to be affected with their present Mercies and Judgements ; What use is to be made of the Lords dealings : And, what is required of a people so dealt with.

Had we been timely awaked, and taken warning, either from the exemplary judgements of other Nations ; or from Gods threatnings by the mouths of his servants amongst our selves ; or from our owne former visitations, and namely, The Sword, threatned and drawn against us, both at home and from abroad, but at that time through the forbearance of GOD, put up in the Sheath again, wee might have prevented the miseries under which now we groane. But the Cup of trembling, before taken out of our hands, is again come about to us, that wee may drink deeper of it : And although when these bloody Monsters, the Irish Rebels, together with some degenerate, unnaturall, and perfidious Countrey-men of our own, did first lift up their heads, and enter this Kingdome in a hostile way, it was looked upon as a light matter, and the great

judgement which hath since appeared in it, not apprehended : yet now wee are made more sensible, that they are The rod of Gods wrath, and the staffe in their hand, which hath stricken us these three times, is his indignation. He hath shewed his people hard things, and made us to drink the wine of astonishment. Take we therefore notice of the hand that smiteth us, for affliction cometh not forth of the dust, neither doth trouble spring out of the ground. There is no evill in the City nor Countrey which the Lord hath not done. He it is that formeth the light, and createth darknesse ; Who maketh peace, and createth evill ; He it is that hath given a charge to the Sword, so that it cannot be still : He it is that hath his other Arrows ready upon the string to shoot at us, the Pestilence and Famine.

In the next place, let us apply our hearts to know, and to search, and to seek out wisdome, and the reason of things, and to understand the language of this present judgment, and Gods meaning in it : For though the Almighty giveth not an aecompt of any of his matters, and hath his way in the sea, and his path in the deep waters which cannot be traced ; Yet he is pleased by the light of his Word and Spirit, by the voice of our own consciences, and by that which is written and ingraven upon our judgement, as with the point of a Diamond and a Pen of iron, to make known in some measure his meaning unto his servants. GOD hath spoken once, yea twice, yet man perceiveth not ; Therefore now hath he made this rod to speak aloud the third time, that we may hear the voice of the rod, and who hath appointed it. That which the rod pointeth at, is not any guilt of Rebellion or disloyaltie in us, as the sons of Belial do slander and belye the Solemne League and Covenant of the three Kingdoms, which we are so farre from repenting of, that we cannot remember or mention it without great joy and thankfulness to GOD, as that which hath drawn many blessings after it, and unto which GOD hath given manifold and evident testimonies, for no sooner was the Covenant begun to bee taken in England, but sensibly the condition of affairs there was changed to the better ; and though a little before the Enemy was coming in like a Flood, yet as soon as the Spirit of the Lord did lift up the Standard against him, from that day forward the Waters of their Deluge did decrease.

And for our part, our Forces sent into that Kingdom, in pursuance of that Covenant, have been so mercifully and manifestly assisted, and blessed from Heaven (though in the mids of many dangers and distresses, and much want and hardship) and have been so farre instrumentall to the foyling and scattering of two principall Armies ; First, the Marquesse of Newcastle his Army, And afterward, Prince Ruperts and his together ; And to the reducing of two strong Cities, York and Newcastle, that we have what to answer the Enemy that reproacheth us concerning that Businesse, and that which may make iniquitie it self to stop her mouth. But which is more unto us than all Victories, or whatsoever temporall Blessing, The Reformation of Religion in England, and Uniformity therein between both Kingdoms (a principall end of that Covenant) is so far advanced, that the English Service-Book, with the Holy-dayes, and many other Ceremonies contained in it, together with the Prelacy, the fountain of all these, are abolished and taken away by Ordinance of Parliament ; and a Directory for the Worship of GOD in all the three Kingdoms agreed upon in the Assemblies, and in



the Parliaments of both Kingdoms, without a contrary voice in either; the Government of the Kirk by Congregational Elderships, Classical Presbyteries, Provincial and National Assemblies, is agreed upon by the Assembly of Divines at Westminster, which is also voted and concluded in both Houses of the Parliament of England: And what is yet remaining of the intended Uniformitie is in a good way; So that let our Lot fall in other things as it may, the Will of the Lord be done; In this we rejoyce, and will rejoyce, that our Lord Jesus Christ is no loser, but a Conquerour, that his Ordinances take place, that his Cause prevaieth, and the work of purging and building his Temple goeth forward, and not backward. Neither yet are we so to understand the voice of the rod which lyeth heavy upon us, as if the Lords meaning were to pluck up what he hath planted, and to pull down what he hath builded in this Kingdom, to have no more pleasure in us, to remove our Candlestick, and to take his Kingdom from us: nay, before that our GOD cast us off, and the glory depart from Israel, let him rather consume us by the Sword, and the Famine, and the Pestilence, so that he will but keep his own great Name from reproach and blasphemy, and own us as his people in Covenant with him. But now there is hope in Israel concerning this thing, we will beleeve that we shall yet see the goodnesse of the Lord in the Land of the living: We will not cast away our confidence of a blessed peace, and of the removing of the scourge and casting it in the Fire, when the Lord hath by it performed his whole Work upon mount Sion and Jerusalem, much more will wee be confident of the continuance of the blessings of the Gospel, that glory may dwell in our Land. This is the day of Jacobs trouble, but he shall be saved out of it: And the time is coming, when a new Song shall be put in our mouths, and we shall say, This is our God, we have waited for him, and he hath saved us. Though the Lord smite us, it is the hand of a Father, not of an Enemy, he is not consuming us, but refining us, that we may come forth as Gold out of the Fire. We are troubled on every side; yet not distressed; we are perplexed, but not in despaire; persecuted, but not forsaken; cast downe, but not destroyed. We know assuredly there is more mercy in emptying us from Vessell to Vessell, then in suffering us to settle on our Lees, whereby our taste should remain in us, and our sent not be changed.

These things premised, we come to the true language of this heavy judgement, and to the reall procuring causes thereof. For the transgression of Jacob is all this, and for the sins of the house of Israel. God is hereby shewing to great and small in this Land their work and their transgression, that they have exceeded. He openeth also their eare to discipline, and commandeth that they return from iniquity. We leave every Congregation in the Land, every Family in every Congregation, and every Person in every Family to examine their own hearts and wayes, and to mourn for Congregationall, Domesticall, and Personall sinnes: Cursed shall they be who have added fuell to the fire, and now bring no water to extinguish it, who had a great hand in the provocation, and bear no part in the humiliation.

Let every one commune with his own conscience, and repent of his, even his wickednesse, and say, What have I done? Wee shall here touch onely the Nationall sinnes, or at least more publick ones, then those of a Family or Congregation, which we also intend for chief causes of a publick Fast and

Humiliation. If among our Nobles, Gentry, and Barons, there have been some studying their own private interests more then the publick, and Seeking their own things more then the things of Christ, or oppressing and defrauding the poorer sort and the needie, because it was in the power of their hand: and if among our Ministrie there have been divers Time servers, Who have not renounced the hidden things of dishonesty, whose hearts have not been right before God, nor steadfast in his Covenant, who have been secretly haters of the Power of Godlinesse, and of Mortification; shall not GOD search all this out? who will bring to light the hidden things of darknesse, and will make manifest the counsels of the hearts. In these also leaving all men to a judging and searching of themselves, there are many other provocations which are apparent in all or many of this Nation, from which, though they wash with nitre, and take much sope, yet they cannot make themselves clean: Because of these the Land mourneth, and at these the Sword striketh.

As first, the contempt, neglect, and dis-esteem of the glorious Gospel; our unbelief, unfruitfulnesse, lukewarmnesse, formality, and hardnesse of heart, under all the means of Grace; our not receiving of Christ in our hearts, nor seeking to know him, and glorifie him in all his Offices. The power of Godlinesse is hated and mocked by many to this day, and by the better sort too much neglected, and many Christian duties are not minded: as, The not speaking of our own words, nor finding of our own pleasure upon the Lords day: Holy and edifying conference both on that day, and at other occasions: The instructing, admonishing, comforting, and rebuking one another, as Divine Providence ministreth occasion. In many Families almost no knowledge nor worship of GOD to be found: yea, there are among the Ministers who have strengthened the hearts and hands of the profane more then of the godlie, and have not taken heed to the ministrie which they have received of the Lord to fulfill it.

Next, GOD hath sent the Sword to avenge the quarrell of his broken Covenant: For besides the defection of many of this Nation under the Prelats from our first Nationall Covenant, a sinne not forgotten by GOD, if not repented by men as well as forsaken, our latter Vows and Covenants have been also foully violated, by not contributing our uttermost assistance to this Cause, with our Estates and Lives; by not endeavouring with all faithfulnessse, the discovery, triall, and condigne punishment of Malignants, and evil Instruments; yea, by complying too much with those, who have not onely born Armes, and given their personall presence and assistance, but also drawn and led on others after them in the shedding of our Brethrens blood: Therefore is our sinne made our punishment, and We are filled with the fruit of our own wayes. These horns now push the sides of Judah and Jerusalem, because the Carpenters when they ought and might, did not cut them off: And yet to this day the course of Justice is obstructed: The Lord himself will execute justice if men will not. But above all, let it bee deeply and seriously thought of, that our Covenant is broken by the neglect of a reall Reformation of our selves and others under our power: let every one ask his own heart what lust is mortified in him, or what change wrought in his life since, more then before the Covenant? Swearing, Cursing, Profanation of the Lords day, Fornication, and other uncleannesse, Drunkennesse, Injustice, Lying, Oppression, Murmuring, Repining, and other sorts of Prophanenesse still



abound too much both in the Countrey and in our Armies: yea, there is no Reformation of some Members of publick Judicatories, which is a great dishonour to God, and a foul scandall to the whole Nation.

Thirdly, we have not glorified God according to the great things which he hath done for us, nor made the right use of former mercies: since he loved us (a Nation not worthy to be beloved) he hath made us precious and honourable, but we have not walked worthy of his love: We waxed fat and kicked, forsaking God who made us, and lightly esteeming the Rock of our salvation. And this great unthankfulness filleth up our Cup.

Fourthly, Notwithstanding of so much guiltinesse, we did send forth our Armies, and undertake great services presumptuously, without repentance, and making our peace with God, like the Children of Israel, who trusting to the goodnesse of their cause, minded no more, but which of us shall goe up first.

It is now high time, under the feeling of so great a burden both of sinne and wrath, to humble our uncircumcised hearts, to put our mouth in the dust, if so be there may be hope, to wallow our selves in ashes, to clothe our selves with our shame as with a garment, to justifie Gods righteous judgments, to acknowledge our iniquitie, to make our supplication to our Judge, and to seek his faee, that he may pardon our sinne, and heal our Land. The Lord roareth, and shall not his children tremble? The God of glory thundereth, and the Highest uttereth his voice, hailstones and coales of fire, who will not fall down and fear before him? The fire waxeth hot, and burneth round about us, and shall any sit still and be secure? The storm bloweth hard, and shall any sluggard be still asleep? This is a day of trouble, and of rebuke, and of blasphemy, who will not take up a lamentation? Let the Watchmen rouse up themselves and others, and strive to get their own, and their peoples hearts deeply affected, and even melted before the Lord: Let every one turn from his evill way, and cry mightily to God, and give him no rest till he repent of the evill, and smell a savour of rest, and say, It is enough. He hath not said to the seed of Jacob, Seek ye me in vain. Wee do not mourne as they that have no hope, but we will bear the indignation of the Lord, because wee have sinned against him, untill he plead our cause, and execute judgement for us. And what though our Candles be put out; so that our Sun shine: What though our honour be laid in the dust; so that GOD work out his own honour, yea, our happinesse out of our shame. In vain have wee trusted to the arm of Flesh: in the Lord our GOD is the salvation of Israel. No flesh must glory before him, but he that glorieth, must glory in the Lord.

These duties of Humiliation, Repentance, Faith, Amendment of life, and Fervent Prayer, though the prinie pall, yet are not all which are required at the hands of this Nation, but men of all sorts and degrees, must timely apply themselves to such other Resolutions and Actions as are most suteable and necessary at this time: Which that all may the better understand, and bee excited and encouraged to aet accordingly, let it be well observed, that the present state of the Controversie and Cause is no other but what hath been formerly professed before GOD and the World, that is, The Reformation and Preservation of Religion, The Defence of the Honour and Happinesse of the King, and of the authority of the Parliament, together with the maintenance of our Lawes, Liberties, Lives, and

Estates. We are not changed from our former principles and intentions, but these who did fall off from us to the contrary party, have now made it manifest, that these were not their ends when they seemed to joyn with us: Therefore are they gone out from us, because they were not of us. And as our Cause is the same, so the danger thereof is not lesse, but greater then before, and that from two sorts of Euemies: First, from open Enemies, we mean those of the Popish, Prelaticall, and Malignant Faction, who have displayed a Banner against the Lord, and against his Christ, in all the three Kingdoms, being set on fire of Hell, and by the speciall inspiration of Satan, who is full of fury, because he knowes he hath but a short time to reigne. The Cockatrice before hatched, is now broken forth into a Viper. The danger was before feared, now it is felt; before imminent, now incumbent; before our division, now our destruction is endeavoured; before the Sword was fourbished and made ready, now the Sword is made fat with Flesh, and drunk with Bloud, and yet it hungreth and thirsteth for more. The Queen is most active abroad, using all means for strengthening the Popish, and suppressing the Protestant party; insomuch that Malignants have insolently expressed their confidence, that her journey to France shall prove a succesfull Counsell, and that this Island, and partieularly this Kingdome, shall have a greater power to grapple with, before the next Summer, then any which yet we have encountered with. The Irish Rebels have offered to the King to send over a greater number into both the Kingdomes: The hostile intentions of the King of Denmark, if God be not pleased still to divert and disable him, do plainly enough appear from his own Letters, sent not long since to the Estates of this Kingdome. In the mean time, the hellish erue under the conduct of the excommunicate and forefaulted Earle of Montrose, and of Alaster Mac-Donald, a Papist and an Outlaw, doth exercise such barbarous, unnaturall, horrid, and unheard-of eruelty, as is above expression: And (if not repressed) what better usage can others not yet touched expect from them, being now hardened and animated by the succeesse which God hath for our humiliation and correction, permitted unto them: and if they shall now get leave to secure the High-Lands for themselves, they will not onely from thence infest the rest of this Countrey, but endeavour a diversion of our forces in England, from the prosecution of the ends expressed in the Covenant of the three Kingdoms, toward which ends, as their service hath been already advantageous, so their continuance is most necessary.

The second sort of Enemies, from which our present dangers arise, are secret Malignants and Dis-covenanters, who may be known by these and the like Characters: Their slighting or censuring of the publick Resolutions of this Kirk and State: Their consulting and labouring to raise Jealousies and Divisions, to retard or hinder the execution of what is ordered by the publick Judicatories: Their slandering of the Covenant of the three Kingdoms and Expedition into England, as not necessary for the good of Religion, or safety of this Kingdome, or as tending to the diminution of the Kings just power and greatnesse: Their confounding of the Kings Honour and Authority, with the abuse and pretence thereof, and with Commissions, Warrants, and Letters, procured from the King, by the Enemies of this Cause and Covenant, as if we could not oppose the latter, without encroaching upon the former: Their whetting of their tongues, to



censure and slander those whom GOD hath honoured as his chief Instruments in this Work: Their commending, justifying, or excusing the proceedings of James Grahame, sometime Earl of Montrose, and his Complices: Their conversing or intercommunicating by word or writ, with him, or other excommunicate Lords, contrary to the nature of that Ordinance of Christ, and to the old Acts of Generall Assemblies: Their making merry, and their insolent carriage, at the news of any prosperous successe of the Popish and Malignant Armies in any of these Kingdomes: Their drawing of Parties and Factions, to the weakning of the common Union: Their spreading of Informations, That Uniformitie in Religion, and the Presbyteriall Government, is not intended by the Parliament of England: Their Endeavours, Informations, and Sollicitations, tending to weaken the hearts and hands of others, and to make them withhold their assistance from this Work.

Let this sort of bosome Enemies, and dis-affected Persons, be well marked, timely discovered, and carefully avoided, lest they infuse the poyson of their seducing counsels into the mindes of others: Wherein let Ministers be faithfull, and Presbyteries vigilant and impartial, as they will answer the contrary to GOD, and to the Generall Assembly, or their Commissioners.

The cause and the dangers thereof being thus evidenced, unlesse men will blot out of their hearts the love of Religion, and the Cause of GOD, and cast off all care of their Countrey, Lawes, Liberties, and Estates, yea, all naturall affection to the preservation of themselves, their Wives, Children, and Friends, and whatsoever is dearest to them under the Sun (all these being in the visible danger of a present ruine and destruction) they must now or never appear actively, each one stretching himself to, yea beyond his power. It is no time to dally, nor go about the businesse by halfe, nor by almost, but altogether zealous: "Cursed be he that doth the Work of the Lord negligently, or dealeth falsely in the Covenant of God." If wee have been so forward to assist our Neighbour Kingdomes, shall wee neglect to defend our own? Or shall the Enemies of GOD be more active against his Cause, than his People for it? GOD forbid. If the Work being so far carried on, shall now mis-carry, and fail in our hands, our own consciences shall condemne us, and posterity shall curse us: But if wee stand stoutly and steadfastly to it, the pleasure of the Lord shall prosper in our hands, and all Generations shall call us blessed.

Let Ministers stir up others by free and faithfull preaching, and by admonishing everyone of his duty, as there shall be occasion: And if it shall be the lot of any of them to fall under the power of the Enemy, let them through the strength of Christ, persevere in their integrity, choosing affliction rather then sin, glorifying GOD, and not fearing what Flesh can do unto them.

Let our Armies beware of ungodlinesse, and worldly lusts, living godly, soberly, and righteously, avoyding all scandalous carriage, which may give occasion to others to think the worse of their Cause and Covenant, and remembering that the eyes of GOD, Angels, and Men are upon them: Finally, renouncing all confidence in their own strength, skill, valour, and number, and trusting only to the God of the Armies of Israel, who hath fought, and will fight for them.

Let all sorts both of high and low degree in this Kingdome, call to minde their Solemne Covenants,

and pay their vows to the most High; and namely, that Article of our first Covenant, which obligeth us not to stay nor hinder any such Resolution, as by common consent shall be found to conduce for the ends of the Covenant, but by all lawfull means to further and promote the same; Which lyeth as a bond upon peoples consciences, readily to obey such orders, and willingly to under go such burdens, as by the publick and common resolution of the Estates of Parliament, are found necessary for the prosecution of the War; considering that the Enemy cannot bee suppressed without a competent number of Forces, and Forces cannot be kept together without maintenance, and maintenance cannot be had without such publick Burdens; which however for the present, not joyous, but grievous, yet it shall be no grief of heart afterwards, even unto the common sort, that they have given some part of their necessary livelihood, for assisting so good a Work. It is far from our thoughts, that the pinching of some, should make others superfluously to abound: It is rather to bee expected of the richer sort, that they will spare and defalk, not onely the pride and superfluity, both of apparell and diet, but also a part of their lawfull allowance in these things, to contribute the same as a free-will-offering, beside what they are obliged to, by Law or publick Order, after the example of godly Nehemiah, who for the space of twelve years, while the walls of Jerusalem were a building, did not eat the bread of the Governour, that he might ease by so much the Peoples Burthens and Bondage.

In our last Covenant, there is another article which (without the oblivion or neglect of any of the rest) we wish may be well remembred at this time; namely, That we shall assist and defend all that enter into this League and Covenant, in the maintaining and pursuing thereof, and shall not suffer our selves, directly or indirectly, by whatsoever Combination, Perswasion, or Terror, to be divided and withdrawne from this blessed Union and Conjunction, whether to make defection to the contrary part, or to give our selves to a detestable indifferency or neutrality in this Cause: According to which Article, mens reality and integrity in the Covenant, will be manifest and demonstrable, as well by their omissions, as by their commissions; as well by their not doing good, as by their doing of evil; He that is not with us, is against us; and he that gathereth not with us, scattereth. Whoever he be that will not, according to publick order and appointment, adventure his Person, or send out these that are under his power, or pay the Contributions imposed for the maintenance of the Forces, must be taken for an Enemy, Malignant, and Covenant-breaker, and so involved both into the displeasure of GOD, and Censures of the Kirk, and no doubt into civil punishments also to be inflicted by the State.

And if any shall prove so untoward and perfidious, their iniquitie shall be upon themselves, and they shall bear their punishment: Deliverance and good successe shall follow those who with purpose of heart cleave unto the Lord, and whose hearts are upright toward his glory. When wee look back upon the great things which GOD hath done for us, and our former deliverances out of several dangers and difficulties which appeared to us insuperable, experience breeds hope: And when we consider how in the midst of all our sorrows and pressures, the Lord our God hath given us a naile in his holy place, and hath lightned our eyes with the desireable and beautiful sight of his own glory in his Temple, we take it for an argument that he hath yet thoughts of peace, and a purpose of mercy



toward us; Though for a small moment he hath forsaken us, yet with great mercies he will gather us: Hee hath lifted up our Enemies, that their fall may be the greater, and that he may cast them downe into desolation for ever. Arise, and let us be doing; The Lord of Hosts is with us, the God of Jacob is our Refuge.

*Act against Lykwakes.*

**W**HEREAS the corrupt Custome of Lykwakes hath fostered both Superstition and Profanitie through the Land; This present Assembly Discharges the same in time comming; And appoints Presbyteries To take speciall care for trying and censuring the Transgressors of this Act within their severall Bounds.

*Act recommending to Sessions To have the Printed Acts of Assemblie.*

**T**HE Generall Assembly, considering how necessar it is, That every Session in a Parish have the Acts of the Assembly for their use, Doth therefore seriously recommend to every Parish and Session To buy the Printed Acts of the Assembly; and Ordains Presbyteries To crave account hereof from every Minister, before their going to Provinciaill Assemblies: And likewise, That every Provinciaill Assembly, crave account from Presbyteries in their trials, if every Session be so provided, and that they try the diligence of Presbyteries and Ministers used for that effect.

13 Februar. 1645. Post meridiem. Sess. Ult.

*Act for censuring the Observers of Yule-day, and other superstitious dayes, especially if they be Schollars.*

**T**HE Generall Assembly taking to their consideration, The manifold Abuses, Profanitie, and Superstitions, committed on Yule-day, and some other superstitious dayes following, Have unanimously concluded, and hereby Ordains, That whatsoever Person or Persons hereafter shall be found guilty in keeping of the foresaid superstitious dayes, shall be proceeded against by Kirk Censures, and shall make their publick Repentance therefore in the face of the Congregation where the offence is committed: And that Presbyteries and Provinciaill Synods Take particular notice how Ministers try and censure Delinquents of this kinde, within the severall Parochines. And because Schollars and Students give great scandal and offence in this, That they (being found guilty) be severely disciplined and chastised therefore by their Masters: And in case the Masters of Schools or Colledges be accessoric to the said superstitious profanitie, by their connivence, granting of liberty of Vacance to their Schollars at that time, or any time thereafter, in compensation thereof, That the Masters be summoned by the Ministers of the Place to compair before the next ensuing Generall Assembly, there to bee censured according to their trespassse: And if Schollars (being guilty) refuse to subject themselves to Correction, or be Fugitives from Discipline, That they be not received in any other Schoole or Colledge within the Kingdom.

*Act for encouragement of Schollars to Professions in Schooles.*

**I**N respect of the paucitie of men, fit and willing to professe Divinitie in the Schooles, by reason that few frame their studies that way, The Generall Assembly thinks it fit, That the Provincials diligently consider and try who within their Bounds most probably may bee for a Profession in the Schooles, And report their names to the following Generall Assembly, that such may be stirred up and encouraged by the Generall Assembly, to compose and frame their studies, that they may be fit for such places.

*Act for restraining Abuses at Pennie-Brydals.*

**T**HE Generall Assembly, considering the great profanitie and severall Abuses which usually fall forth at Pennie-Brydals, proving fruitful Seminaries of all lasciviousnesse and debaushtric, as well by the excessive number of people convened thereto, as by the extortion of them therein, and licentiousnesse thereat, To the great dishonour of GOD, the scandall of our Christian Profession, and prejudice of the Countreys welfare; Therefore they Ordain every Presbyterie in this Kingdome, To take such speciall care for restraining these Abuses flowing from the causes foresaid, as they shall think fit in their severall bounds respective: And to take a strict accompt of every Minister and Session of their obedience to the Ordinance of the Presbyterie thereanent, at the Visitation of every Parish Kirk in their Bounds.

*Act Discharging deposed Ministers to be reponed to their former Places.*

**T**HE Generall Assembly, considering the manifold prejudices redounding to the Kirk in Generall, and private Congregations in particular, through the restoring of Ministers once deposed to the same places wherein formerly they served: As also, how derogatorie it would prove to the weight of that sentence of Deposition; Do therefore Ordain, That no Minister deposed, shall be restored again into that place where formerly he served.

*Renovation of the Commission for the publick Affairs of the Kirk.*

**T**HE Generall Assembly taking to their consideration, That in respect the great Work of Uniformitie in Religion in all his Majesties Dominions, is not yet perfected, (though by the Lords blessing there is a good progresse made in the same) there is a necessity of renewing the Commissions granted formerly for prosecuting and perfecting that great Work; Doe therefore Renew the Power and Commission granted for the publick Affairs of the Kirk by the Generall Assembly, held in S. Andrews in the year 1642, upon the fifth day of August post meridiem, Sess. 12. And by the Generall Assembly held in Edinburgh in the year 1643, upon the 19. day of August, Sess. ult. And by the late Generall Assembly held at Edinburgh in the year 1644, upon the third of June, Sess. 6, to the Persons afternamed, viz. M. Andrew Ramsay, M. Alex. Henderson, M. Robert Douglas, M. William Colvil, M. William Bennet, M. George Gillespie, M. John Oswald, M. Mungo Law, M. Robert Lawrie, M. John Adamson, D. John Sharp, M. George Leslie, M. Andrew Fairfowle, M. David Calder-



wood, M. Andrew Blackhall, M. James Fleeming, M. Robert Ker, M. John Maeghie, M. John Dal-yell, M. Andrew Stevenson, M. Robert Lauder, M. James Robertson, M. Patrick Sibbald, M. Robert Carson, M. Alex. Spittall, M. Alex. Dickison, M. James Smith, M. John Gibbison, M. James Symson, M. Ephraim Melvill, M. Alex. Somervell, M. Robert Eliot, M. George Bennet, M. Robert Blair, M. David Forret, M. Arthur Mortoun, M. Samuel Ruthurfurd, D. Alex. Colvill, M. Andrew Bennet, M. James Wedderburn, M. Walter Greg, M. John Moncreiff, M. John Smith, M. Frederick Carmichael, M. Patriek Gillespie, M. John Duncan, M. James Sibbald, M. Robert Bruce, M. John Hume at Eccles, M. Mungo Dal-yell, M. Alex. Kinneir, M. Thomas Ramsay, M. William Turnbull, M. James Guthrie, M. Thomas Donaldson, M. William Jameson, M. David Fletcher, Andrew Dunkison, M. Robert Murray, M. David Weemes, M. John Hall, M. John Freebairn, M. David Drummond at Creiff, M. George Murray, M. Henry Guthrie, M. Robert Wright, M. Andrew Jaffray, M. Bernard Sanderson, M. Alex. Tran, M. Thomas Chalmers, M. Andrew Lawder, M. Hugh Henderson, M. John Levingstoun, M. James Blair, M. James Bonar, M. John Burne, M. John Bell, M. Hugh Mackale, M. Matthew Birsbane, M. David Elphingstoun, M. David Dickson, M. George Young, D. John Strang, M. Robert Baillie, M. Patrick Sharp, M. Robert Birnie, M. Evan Camron, M. George Symmer at Megle, M. Andrew Fleek, M. Patrick Lyon, M. John Lindsay, M. Sylvester Lammie, M. George Fogo, M. David Strachan, M. Andrew Cant, M. William More, M. William Davidson, M. John Paterson, M. William Jaffray, M. Thomas Mitchell, M. George Cummin, M. Joseph Brodie, M. William Lawder, M. David Rosse, M. Ferquhard Makeleennan, *Ministers*; And Archibald Marquesse of Argyle, John Earle of Crawford-Lindsay, Alexander Earle of Eglintoun, William Earle of Glencarne, John Earle of Cassils, Charles Earle of Dumfermeling, James Earle of Tullibardin, John Earle of Lauderdale, James Earle of Annandale, William Earle of Lothian, James Earle of Queenesberry, William Earle of Dalhousie, William Earle of Lanerik, Archibald Lord Angus, Vicount of Arbutnet, James Vicount of Fren-draught, Alexander Lord Garleis, James Lord Johnston, John Lord Yester, John Lord Bahmerino, Alexander Lord Balearras, John Lord Loure, John Lord Barganie, Sir Patriek Hepburn of Wauch-toun, Sir John Hope of Craighall, Sir Archibald Johnston of Waristoun, Sir David Hume of Wedderburn, Frederick Lyon of Brigton, Sir Alexander Areskine of Dun, Alexander Fraser of Phillorth, Sir William Baillie of Lammingtoun, Haddin of Glenegies, Sir Thomas Ruthven of Freeland, James Macdougall of Garthland, Sir Alexander Murray of Blackbarronie, William Drummond of Riecartoun, Sir William Scott of Hardin, Sir Andrew Ker of Greenhead, Sir William Stuart of Sir Alexander Shaw of Sauchie, Alexander Brodie of that Ilk, M. George Hume of Kimmerjane, Sir John Smith, M. Alexander Colvill Justice Depute, John Binnie, Archibald Sydserf, Laurenee Henderson, James Stuart, Gilbert Sommervell, John Semple, M. Robert Barelay, Patrick Leslie, James Law, M. Robert Cuninghame, George Gardin, William Glendunning, *Elders*. And for discharging the said Commission, Appoints the persons aforesaid, or any nineteene of them, whereof fifteen shall be Ministers, to meet at Edinburgh upon the 14. of this moneth of February and upon the second Wednesday of May, August, November, and of February

next to come, and upon any other day, or in any other Place they shall think meet. Giving unto them full power and Commission to do all and every thing for prosecuting, advancing, perfecting, and bringing the said Work of Uniformity in Religion in all his Majesties Dominions to an happy conclusion, conforme to the former Commissions granted by the saids Assemblies thereanent: And further, Renewes to the Persons afore-named, the power contained in the Act of the said Assembly, 1643. Intituled, A Reference to the Commission anent the Persons designed to repair to the Kingdom of England; As also the power contained in two severall Acts of the said late Assembly 1644. Sess. 6. made Against seeret dis-affecters of the Covenant, and, For sending Ministers to the Army: With full power to them, to treat and determine in the matters aforesaid, and in all other matters referred unto them by this Assembly, as fully and freely, as if the same were here particularly expressed, and with as ample power as any Commission of former Generall Assemblies hath had, or been in use of before; They being alwayes for their whole proceedings countable to, and censurable by the next Generall Assembly.

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*Renovation of the Commission to the Persons appointed to repair to the Kingdom of England, for prosecuting the Treaty of Uniformitie in Religion.*

THE Generall Assembly, Taking to their consideration, that the Treaty of Uniformity in Religion in all his Majesties Dominions is not yet perfected, though by the Lords blessing there is a good progresse made in the same, Do therefore Renew the Power and Commission granted to the Persons formerly nominate by the two preeeding Assemblies, and by their Commissioners sitting at Edinburgh; for prosecuting the said Treatie of Uniformitie with the Honourable Houses of the Parliament of England, and the Reverend Assembly of Divines there, or any Committees appointed by them, Giving unto them full power to do all and every thing which may advance, perfect, and bring the said Treatie to an happy conclusion, conforme to the former Commissions granted to them thereanent.

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*The Generall Assemblies Answer to the Right Reverend the Assembly of Divines in the Kirk of England.*

Right Reverend and welbeloved  
in the Lord Jesus,

**A**MIDST the manifold troubles in which this Kingdome hath been involved, and under which it still laboureth, we greatly rejoyeed when it was testified unto us by our reverend Brethren, and under your hands in your Letter, and these Papers by them presented to us from you, what progresse you had made in the much desired Work of Uniformitie; and acknowledge, that the same hath comforted us concerning our work and toile of our hands, and seemeth to us as an olive branch, to prognosticate the abating of the waters, which overflow the face of the Earth.

When we consider, that you have walked in pathes unusuall, which have not been haunted by Travellers there, as the publick way, though pointed out as the good old way by the Reformed Kirks, we do not wonder that you have carefully adverted in every step to set foot upon sure ground: When we behold that strong and high tree of Episcopacie



so deeply rooted by continuance of time not lopped of the Branches, and the stumpe of the root left in the Earth, with a band of iron and brasse, but pluckt up by the roots; We do confesse that the Carpenters, though prepared, have a hard task, requiring time to hew it down, and root it up: And when we call to minde how much the Service-Book hath been cryed up as the only way of GODS Worship, how many thereby have had their wealth, and how difficill it is to forgoe the accustomed way; We admire the power and wisdom of the good GOD who hath prospered you in your way, and led you this length, through so many straits, and over so many difficulties in so troublous a time.

We do for our part not only admit and allow, but most heartily and gladly embrace the Directory of Worship, as a common Rule for the Kirks of GOD in the three Kingdoms, now more straitly and firmly united by the Solemne League and Covenant; And we do all in one voice blesse the Lord, who hath put it in the hearts, first, of the Reverend, Learned, and Pious Assembly of Divines, and then, of the Honourable Houses of Parliament, To agree upon such a Directory as doth remove what is none of Christs, and preserve the purity of all his Ordinauces, together with Uniformity and Peace in the Kirk. Only we have thought necessary, to declare and make known, That the Clause in the Directory for the administration of the Lords Supper, which appointeth the Table to be so placed that the Communicants may orderly sit about it, or at it, is not to be interpreted, as if in the judgement of this Kirk it were indifferent for any of the communicants not to come to and receive at the Table; or as if we did approve the distributing of the Elements by the Ministers to each Communicant, and not by the Communicants among themselves: In which particulars, we still conceive and beleve the order and practice of our own Kirk, To be most agreeable and sutable to the Word of GOD, the example of our Lord Jesus Christ, and the nature of that Heavenly Feast and Table. Neverthesse, in other particulars we have resolved, and do agree, to do as ye have desired us in your Letter, That is, not to be tenacious of old Customs, though lawful in themselves, and not condemned in this Directory, but to lay them aside for the nearer Uniformitie with the Kirk of England, now nearer and dearer to us than ever before; A Blessing so much esteemed, and so earnestly louged for among us, that rather than it faile on our part, we do most willingly part with such practices and customs of our own, as may be parted with safely, and without the violation of any of Christs Ordinances, or trespassing against Scripturall Rules, or our solemne Covenants.

We do in like manner agree to, and approve the Propositions touching Kirk-government and Ordination; and have given power to our Commissioners who are to meet in Edinburgh, to agree to, and conclude in our Name an Uniformitie therein, betwixt the Kirks in both Kingdoms, so soon as the same shall be without any substantiall alteration Ratified by an Ordinance of the Honourable Houses of the Parliament of England, according to our Act of Approbation sent to our Commissioners with you.

As for the returning of our Commissioners; though the counsel and assistance of our Reverend Brethren might be of good use to us in these difficult times, and their particular stations and imployments importune the stay of these who are come unto us, and the returne of these who stay with you; yet preferring the publick good, and looking upon the profit may redound unto all by their continuing with

you, we have satisfied your desire, and renewed their commission; Praying GOD they may (as we are confident they shall) prove auswerable to our trust, and to your expectation.

Concerning one Confession of Faith, and Forme of Catechisme, we apprehend no great difficultie. And to that which remains to be perfected in the matter of Kirk-government, we do beleve, and both you and we know by experience, that there is no word impossible with our God. He that hath begun a good work among you, will also perform it of his good pleasure. Go on in the Lord your strength and the Spirit of truth lead you in all truth: The God of all grace and peace that brought again from the dead our Lord Jesus that great shepherd of the sheep, through the blood of the everlasting Covenant, and by him hath called us unto his eternall glory, make you perfect in every good work to do his will, working in you, and by you, and among you, that which is well pleasing in his sight, stablish, strengthen, settle you, through Jesus Christ our Lord.

*Subscribed in name of the Generall Assembly of the Kirk of Scotland, by the Moderator of the Assembly.*

Edinburgh 13 Feb. 1645.

*To the Kings Most Excellent Majestie, The humble Remonstrance of the Generall Assembly of the Kirk of Scotland, met at Edinburgh the 13 day of February, 1645.*

AS our Record is on high, and our consciences within us bear us witnesse, so the many former Supplications and Remonstrances to your Majestie, from this Kirk and Kingdome, our solemne Covenants, and the whole course of our proceedings from time to time in the prosecution of this Cause, Do make known to the World, and we trust also to your own conscience, our loyaltie and faithfull subjection, and how far our intention is from the diminution of your Majesties just Power and Greatnesse; And although the successe of many of our humble addresses to your Majesty, hath been such as did frustrate our desires and hopes, yet this hath not blotted out of our hearts our loyaltie, so often professed before God and the World; but it is still our Souls desire, and our Prayer to God for you, that your Self and your Posterity may prosperously reigne over this your ancient and Native Kingdome, and over your other Dominions. And now as we have published a solemn and free Warning to the Noblemen, Barons, Gentlemen, Burrows, Ministers, and Commons of this Kingdome, concerning the present affliction of this Nation, and their sins procuring the same; So when we call to minde, that God accepteth not the persons of men, and that the greatest are not to be winked at in their sins; We assure our selves, that the best and most reall testimony which we can give at this present, of the tendernes and uprightness of our affection to your Majesties true Happinesse, is this our humble and faithfull Representation of your Majesties great and growing dangers, and the causes thereof; Of which, if we should be silent, our consciences would condemne us, and the stones themselves would immediately cry out.

The troubles of our hearts are enlarged, and our fears increased in your Majesties behalf, perceiving that your Peoples patience is above measure tempted, and is like a Cart prest down with sheaves, and ready to break, while as beside many former designs and endeavours to bring desolation and destruction



upon us, (which were (and we trust all of that kinde shall be) by the marvellous and mercifull providence of God discovered and disappointed.) Our Countrey is now infested, the blood of divers of our Brethren spilt, and other acts of most barbarous and horrid cruelty exercised, by the cursed crew of the Irish Rebels and their Complices in this Kingdome, under the conduct of such as have Commission and Warrant from your Majestie. And unlesse we prove unfaithfull both to God and to your Majestie, we cannot conceale another danger which is infinitely greater than that of your Peoples displeasure: Therefore we the servants of the most high GOD, and your Majesties most loyall Subjects, in the humility and grief of our hearts, fall down before your Throne, and in the Name of our Lord and Master JESUS CHRIST, who shall judge the world in righteousness, both great and small, and in the Name of this whole Nationall Kirk, which we represent, We make bold to warn your Majesty freely, that the guilt which cleaveth fast to your Majesty and to your Throne, is such, as (whatsoever flattering preachers, or unfaithfull counsellours may say to the contrary) if not timely repented, cannot but involve your Self and your Posterity under the wrath of the ever-living GOD, For your being guiltie of the shedding of the blood of many thousands of your Majesties best Subjects; For your permitting the Masse, and other Idolatry, both in your own Family, and in your Dominions; For your authorizing by the Book of Sports, the profanation of the Lords Day; For your not punishing of publick scandals, and much profanenesse, in, and about your Court; For the shutting of your cares from the humble and just desires of your faithfull Subjects; For your complying too much with the Popish party many wayes, and namely, by concluding the Cessation of Armes in Ireland, and your embracing the counsels of those who have not set GOD nor your good before their eyes; For your resisting and opposing this Cause, which so much concerneth the glory of GOD, your own honour and happinesse, and the peace and safetie of your Kingdomes; and for what other causes your Majesty is most conscious, and may best judge and search your own conscience (nor would we have mentioned any particulars, if they had not been publike and knowne.) For all which it is high time for your Majesty to fall down at the footstool of the King of Glory, to acknowledge your offence, to repent timely, to make your peace with GOD through JESUS CHRIST, (whose blood is able to wash away your great sinne) and to be no longer unwilling that the Son of GOD reign over you and your Kingdoms in his pure Ordinances of Church-government and Worship. These things if your Majesty do, it shall be no grief of heart unto you afterward, a blessing is reserved for you, and you shall finde favour with GOD, and with your People, and with all the Churches of Christ; But if your Majesty refuse to hearken to this wholesome counsell (which the Lord forbid) we have discharged our own consciences, we take GOD and Men to witnesse That we are blamelesse of the sad Consequences which may follow, and we shall wait upon the Lord, who, when he maketh inquisition for blood, will not forget the cry of the humble. In the mean while, beseeching your Majesty to take notice That we are not staggering or fainting through diffidence of the successe of this Cause and Covenant of the three Kingdoms, unto which, as GOD hath already given manifold Testimonies of his favour and blessing; so it is our stedfast and unshaken confidence, that this is the Work and Cause of GOD, which shall gloriously prevail against all

opposition, and from which, with the assistance of the grace of GOD, we shall never suffer our selves to be divided or withdrawn, but shall zealously and constantly in our severall Vocations, endeavour with our Estates and Lives, the pursuing and promoting thereof.

That which we have concluded concerning Uniformity in Religion between both Kingdoms, is to be humbly offered to your Majestie from the Commissioners of this Kingdom, for your Royall Consent and Ratification. Although your Majestie was not pleased to vouchsafe us the presence of your Commissioner, according to the supplication of the Commissioners of the preceding Generall Assembly, yet we have proceeded with as much respect to your Majesties honour, and as much remembrance of our duty, as if your Royall Person had been present in the mids of us: And we shall still continue our Prayers for you, that GOD would graciously incline your heart to the counsels of Truth and Peace, and grant unto your Majestie a long and happy Raign, that we may live under you a peaceable and quiet life, in all Godlinesse and Honestie.

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*The Assemblies Answer to their Commissioners at London.*

REVEREND AND BELOVED BRETHREN,  
THESE sweet Fruits of your long continued Labours in the Work of the Lord entrusted to you, brought to us at this time by these two of your number, whom you were pleased to send, were received by us with no small joy and rejoycing, as being, in great part, the satisfaction of our Soules desire, in that so much longed for, so much prayed for happy Uniformity of these Kirks and Kingdoms: And an evident Demonstration to us, that the Lord hath not, even in this time of his seen and felt displeasure, so covered himself with the cloud of his anger, that our Prayers should not passe through.

The great and main difficulties through which the Lord hath carried this Work, as we do acknowledge, ought mainly to be made use of, for the praise and glory of his power, who is the great worker of all our works for us; So your overcoming of them is to us no small Demonstration of your zeal, wisdom, and faithfulness, which without great injurie both to the Lord the prime Worker, and to you his Instruments, we cannot but acknowledge, hath been much manifested in the whole managing of this work in your hands.

The full answer to all the particulars you write of in your Letters, we leave to the Relation of those that come from you, and are now appointed to return to you: And as with much thankfulness we acknowledge your fidelity in what ye have done already; so we have again renewed your Commission for the continuance of your Imployment there, for the perfecting of the Work so happily begun: For the furthering whereof, as we shall not be wanting in our prayers to GOD for his blessing upon your labours, so for your help and assistance, we have appointed a commission to sit at Edinburgh, to which at all occasions you may have your recourse, as the exigence of the Work shall require.

How satisfactory that Directory of Worship presented to us by our Brethren from you, was to us, we leave it rather to their relation at your return, being ear and eye-witnesses to the manifold expressions of our joy and gladnesse, then offer to represent it to you in a Letter. The Act herewith



sent, and ordained to be prefixed unto the Directory, will sufficiently declare our hearty approbation of it: Our judgement also concerning the propositions of Government and Ordination, and our earnest desire to have the Work of Uniformity promoted and perfected in that particular also, will appear to you by the other Aet which herewith you will receive: Our zeal and desire to have that Work fully closed with so much harmonie as becometh the Work of GOD, will appear to you in our resolution and answer to that particuar in the point of Excommunication, concerning which you write.

These particular differences hinted at in the Assemblies Letter, for Uniformitie with that Kirk so much endeared to us, we have resolved to lay aside, and have taken course for preserving harmonie amongst our selves, whereof our Brethren will give you more particular account. Anent your desire of Mr Alexander Henderson his attending the Treatie, we are confident ere this you have received our resolution.

Amidst the many difficulties wherewith it pleaseth the Lord to presse us, as we thought it necessar to publish and send forth a Warning to all sorts of Persons in this Kirk and Kingdom, concerning the present affliction of this Nation, and their sins proenring the same; So we thought it incumbent to us in duty, as the best Testimony which we can give at this present to his Majesty, to remonstrate unto him faithfully The great and growing dangers his Majesty is now under, and the causes thereof. This Remonstrance we have sent to you, to be presented to his Majesty, by such means, and at such time, as you who are there upon the place shall judge fittest.

And now dear Brethren, go on with cheerfulness in the Work of the Lord: Let no discouragement or opposition make your heart to faint, or your hands wax feeble: Perswade your self the Lords hand shall still be made known toward his servants, and his indignation against his Enemies. Remember the Work is his, who useth not to begin, but also to make an end, and is abundantly able to supply all your need according to the riches of his glory. Be confident therefore of this thing, that he who hath begun this good Work by you, will also in due time accomplish it to his own praise. To his gracious assistance we heartily reecomend you.

*Subscribed in name of the Generall Assembly of the Kirk of Scotland, by the Moderator of the Assembly.*

POSTSCRIPT.—It is earnestly desired That the Directorie for Worship be sent to Ireland, and that you reecomend to the honourable Houses of the Parliament, To think upon the best way for the establishment and practice of it in that Kingdom. And that the like course may be taken with the government, and other parts of the Uniformity, so soon as they shall be agreed upon.

Edinburgh 13 Feb. 1645.

THE Generall Assembly Recommends to Presbyteries, To consider these matters referred to their consideration by preceeding Assemblies; and to report their judgement therein to the next Assembly.

THE Generall Assembly Appoints the meeting of the next Assembly to be at Edinburgh the first Wednesday of June, in the yeer 1646.

INDEX of the ACTS of this ASSEMBLY.  
*Not Printed.*

1.—The Remonstrance sent to the Kings Majesty from the Commissioners of the preceeding Assembly, concerning the dyet, and occasion of the meeting of this Assembly. *Sess. 1.*

2.—Election of M. Robert Douglas Moderator. *Ib.*

3.—Report of M. Robert Baillie, and M. Geo. Gillespie, of the progresse of the Treatie for Uniformity. *Sess. 2.*

4.—Appointment of Committees for the Directory, and for Bills, Appeals, &c. *Ib.*

5.—Ref. of the Petitions from Ireland to the Committee of Bills. *Sess. 3.*

6.—Letter to M. James Martin for intimating the Deposition of M. William Barelay. *Ib.*

7.—Acts appointing M. James Nasmith to attend the Lord Montgomeries Regiment; M. Arthur Granger, Liev. Generall Baillie his Regiment; and M. Thomas Wilkie to the E. Lothians Regiment. *Ib.*

8.—Ref. of the Lord Gen. Letter to the Presbytery of Edinburgh. *Ib.*

9.—Ref. of the Petition of M. James Hammiltouns wife to the Committee for the Directory. *Ib.*

10.—Recommendation to the Parliament for Ministers losses. *Sess. 4.*

11.—Committee concerning Bursars. *Ib.*

12.—Committee to conferre with the Lord Ogilvie. *Sess. 5.*

13.—Aet ordaining the Presbytery of Hammiltoun to proceed against M. John Rae for refusing the Covenant. With an Ordinance for giving in to the Clerk the report of M. John Hammiltouns subseribing the Covenant, and of the Excommunication of D. Hammiltoun. *Ib.*

14.—Aet discharging the relaxation of Nath. Gordon, with a reference concerning the same to the Commissioners of this Assembly. *Ib.*

15.—Committee for examining the witnesses against M. John Robertson, and M. John Fyfe. *Ib.*

16.—The Solemne League and Covenant of the three Kingdomes, (which is not here printed, because already printed by Ordinance of the Commission of Assembly 1643. and universally subscribed) with an Approbation of the Ordinances, and the diligence of the Commissioners of Assembly for receiving thereof, &c. *Ib.*

17.—Committee concerning Col. Areskines Regiment. *Sess. 6.*

18.—Committee appointed to speak with Col. Monro, concerning Letters sent from the Officers of the Army in Ireland. *Ib.*

19.—Committee for examining witnesses against M. James Oliphant. *Ib.*

20.—Invitation of all who had scruples concerning the Directory, to addresse themselves to that Committee, with a reference to the said Committee concerning uniformity of practice of the Directory in this Kirk. *Ib.*

21.—Committee to conferre with the young Laird of Drum. *Ib.*

22.—Appointment of M. Hugh Henryson to Col. Stuarts Regiment. *Sess. 7.*

23.—Committee for hearing M. James Wood, and the Commissioners from S. Andrews and Aberdene. *Ib.*

24.—Recommendation of Barbara Means Petition to the Parliament. *Ib.*

25.—Recommendation to the Parliament concerning the Army in Ireland. *Ib.*



26.—Invitation again of all that had scruples or doubts concerning the Directory, to addresse themselves to the Committee for resolution. *Ib.*

27.—Recommendation to the Parliament of the Petition of the Hospitall of Leith. *Sess. 8.*

28.—Recommendation to the Parliament of the Petition of the Kirk of Drummen. *Ib.*

29.—Refer. of the Petition from the Northwest parts of Ireland to the Committee of Bills. *Ib.*

30.—Recom. for a charitable supply to the people in and about Borrowstounnesse, visited with the plague. *Ib.*

31.—Transportation of M. James Wood to S. Andrews. *Ib.*

32.—Commission for Masters Alexander Blair Minister at Galstoun, Robert Hammiltoun Minister at Ballentrae, to go to Ireland for the first three moneths, beginning the first day of July. Masters Samuel Row Minister at Kirkmabrek, Alexander Levingtoun Minister at Carmichael for the next three moneths, beginning the first day of October: and Masters Henry Colwart Minister at Pasley, and Henry Semple Minister at Killearne, beginning the first of January next. *Sess. 9.*

33.—Act for Ministers to the Earle of Lanerick's Regiment of Horse. *Ib.*

34.—Sentence absolvitour of Master James Liehtoun. *Ib.*

35.—Act for Ministers to L. Balgonie and L. Kirkeudbrights Regiments. *Ib.*

36.—Committee for Colon. Areskines Regiment. *Ib.*

37.—Committee for conferring with the Laird of Drums second son, and their report. *Sess. 10.*

38.—The Directory for publick Worship in the three Kingdoms. *Ib.*

39.—Committee for presenting the Directory to the Parliament. *Ib.*

40.—Act for planting the Kirk of Tarbet. *Ib.*

41.—Committee appointed to assist the Petition given in to the Parliament, for trying and executing some Witches. *Sess. 11.*

42.—Committee appointed to visit young Drum. *Ib.*

43.—Refer. to the Commission at Edinburgh, for planting the Kirk of Hammiltoun. *Ib.*

44.—Exemption of M. Alexander Balnaves, from going to Kirkeudbrights Regiment. *Ib.*

45.—Refer. to the Commission at Edinburgh, for planting the Kirk of Mauehline. *Ib.*

46.—Committee appointed for considering the best means for planting the Kirk and new Colledge of Aberdene. *Ib.*

47.—My Lord Angus, and the Laird of Lammingtouns submission to the Assembly, with the Assemblies determination, concerning the planting of the Kirk of Lammingtoun. *Ib.*

48.—Recom. of M. Andro Macghie to the Presbyterie of Hadingtoun. *Ib.*

49.—Recom. of M. William Young to the Presbyterie of Glasgow. *Ib.*

50.—Recom. concerning the new Kirk of Carsfarnie to the Parliament. *Ib.*

51.—Committee appointed to consider of the way for Printing M. Rob. Boyd of Troehrigs Works. *Ib.*

52.—Ref. to the Commission at Edinburgh, for revising the Labours of a Brother, upon the continuation of the History of this Kirk, and thereafter to cause Print them with consent of the Authour. *Ib.*

53.—Approbation of the Report, concerning the injuries doue to M. John Burne in London-Darie, with a Recom. thereof to the Parliament, and a Letter to the Commissioners at London. *Sess. 12.*

54.—Two Acts concerning James Murray. *Ib.*

55.—Appointment of the Commissioners of Presbyteries, to give in a lite of the Excommunicate Persons within their bounds to the Clerk. *Ib.*

56.—Committee for assisting the Petition to the Parliament, for the necessities of the Army in Ireland. *Ib.*

57.—Recom. of M. John Williamson to the Presbyterie of Saint Andrews. *Ib.*

58.—Tryall of the Books of the Synods of Lothian, Dumfreis, Glasgow, Aberdene, and Rosse, which were onely produced. *Ib.*

59.—Admission of the Exeuses for not production of the Bookes of Fyfe, Angus, and Perth. *Ib.*

60.—Recom. of Sir James Hopes Petition to the Presbyterie of Lanrick. *Ib.*

61.—Recom. to the Parliament, concerning Suspensions against Ministers and Universities. *Ib.*

62.—Recom. of M. Thomas Boyd to the Presbyterie of Glasgow. *Ib.*

63.—Recom. M. John Bruce to the Parliament and Commission, for Plantation of Kirks. *Ib.*

64.—Recom. of the Petition of the Synod of Galloway to the Parliament, concerning Thomas Mackee. *Ib.*

65.—Recom. of the Petition of the Inhabitants of the Chanrie of Rosse to the Parliament, and to the Commission for planting of Kirks. *Ib.*

66.—Recom. of the Petition of M. Arehbald Maceorquodill, Student in S. Andrews, to D. Colvill Professour of Divinity there. *Ib.*

67.—Recom. of the Petition of the Parochiners of Pasley to the Commis. of Parl. for planting Kirks. *Ib.*

68.—Recom. of M. Robert Torres to the Commission of Parliament, for Plantation of Kirks. *Ib.*

69.—Recom. to the Parliament, of the Petition of the Ministers upon the Borders, concerning the insolencie of Moss-Troupers. *Ib.*

70.—Recom. of the Petition of the unprovided Ministers within the Provinces of Aberdene, Murray, and Rosse to the Parliament, and Commission of Parliament for Plantation of Kirks. *Ib.*

71.—Recom. to the Parliament, for changing the Fairs upon Mundayes to some other day. *Ib.*

72.—Ref. to the Presbyterie of Loehmaben, for going on in the proeesse against M. Geo. Pryde. With a Recom. to E. Hartfell, to possesse the Minister to the Kirk, And concerning M. Tho. Chambers Gleib. *Ib.*

73.—Two Letters from the Commissioners at London. *Sess. 13.*

74.—Act authorizing Master Alexander Henderson to assist the Commissioners of Parliament in the Treatie at Uxbridge, in matters concerning Religion. *Ib.*

75.—Ref. of the Proposition concerning Excommunication to the Committee for the Directory. *Ib.*

76.—Ref. of the Propositions concerning Government to the Committee for the Directory. *Ib.*

77.—Deposition of M. George Halyburtoun. *Ib.*

78.—Renovation of the Commission, for tryiug and censuring the Ryot of Stanikirk. *Sess. 14.*

79.—Renovation of the Commission, for visiting the Universitie of S. Andrews. *Ib.*

80.—Renovation of the Commission, for visiting the Universitie of Glasgow. *Ib.*

81.—Indiction of a Fast. *Ib.*

82.—Committee for presenting the Petition to the Parliament. *Ib.*

83.—Act for a Minister to preach to the Lord Uehiltrie in the Blaeknesse. *Ib.*

84.—Ordinance for M. James Campbell, his attending my Lord Coupers Regiment. *Ib.*

85.—Invitation of any that had doubts concern-



ing the Propositions of Government, &c. to come to the Committee for Resolution. *Ib.*

86.—Ordinance for M. John Govans repairing to my Lord Kirkcudbrights Regiment. *Ib.*

87.—Recom. to the Presbyteries of Linlithgow and Stirling, for a voluntar Contribution of Clothes to the Earl of Calendars Regiment. *Ib.*

88.—Act for admitting M. James Levingstonn Minister to the E. of Calendars Regiment. *Ib.*

89.—Ordinance for M. John Hoomes attendance for the E. of Lauricks Regiment of Foot. *Ib.*

90.—Ref. to the Presbyterie of Peebles, to consider M. Robert Scots Bill, and to appoint another of their number to Balgonies Regiment, in case his reasons be found good. *Sess. 15.*

91.—Ref. M. Alexander Robertson to the Commission at Edinburgh. *Ib.*

92.—Act concerning the admission of M. David Houstoun to the Kirk of Tyrie. *Ib.*

93.—Deposition of M. John Grahame. *Ib.*

94.—Recom. of the Petition concerning the Kirk of Logie-Montrose to the Parliament, or their Commission for the Plantation of Kirks. *Ib.*

95.—Recom. of M. James Hammiltoun his reliefe to the Parliament. *Sess. 16.*

96.—The Propositions of Government and Ordination. *Ib.*

97.—Act concerning the Printing of M. Robert Boyds Commentar upon the Ephesians. *Ib.*

98.—Act discharging the Priuting or Re-printing of the said Commentarie, and of the continuation of the History of the Kirk, and of M. David Dieksens short Explication of the Apostolicall Epistles, without the consent of M. John Boyd, and of the Authors of the other Works respective, With a Recommendation to the Parliament for their authority to that effect. *Ib.*

99.—Warrant for Printing M. Robert Boyds Opuscula. *Ib.*

100.—Recommendation of the Kirk of Calder to the Parliament. *Ib.*

101.—Recommendation of the petition of M. Alexander Trotter to the Commission of Parliament for plantation of Kirks. *Ib.*

102.—Reference to the Commission at Edinburgh for petitioning the Parliament That Commissions may be granted for visitation of Hospitals in every Province. *Ib.*

103.—Recommendation to the Synod of Aberdene, to crave account of the Laird of Drum his Bursars, and of any others in that Province. *Ib.*

104.—Sentence absolvitour of M. James Oliphant, with a rebuke and admonition of the particulars proven. *Ib.*

105.—Recommendation of M. John Weirs wifes Bill to the Parliament. *Ib.*

106.—Act giving Warrant to the Commissioners at London, to agree to the elanse concerning Excommunication, *Sess. 17.*

107.—Act concerning the Earl of Athols right of presenting to the Kirk of Blair in Athol. *Ib.*

108.—Reference of a Bigamist to the Justice. *Ib.*

109.—Act giving power to M. John Stuart to preach at the Kirk of Dungartha, as an Expectant, while the Presbytery or Synod sit. *Ib.*

110.—Recommendation to the Parliament concerning Thomas Mackie. *Ib.*

111.—Act for intimating M. George Halyburtouns deposition. *Ib.*

112.—Act concerning the planting of the Kirk of Aberdonr. *Ib.*

113.—Suspension of M. John Robertson. With a Reference to the Commission at Edinburgh for his further tryal and censure. *Ib.*

114.—Deposition of M. John Fyfe. *Ib.*

115.—Recom. M. Samuel Rows petition to the Parliament. *Ib.*

116.—Commission for visitation of the University of Aberdene. *Ib.*

117.—Act for changing the Presbytery seat of Aberdene, from the old Town, to the new Town of Aberdene. *Ib.*

118.—Recommen. and Reference to the Commission at Edinburgh, for planting the Kirk and Colledge of Aberdene. *Ib.*

119.—Reference of the petition given in by M. Thomas Mitchel, from the Presbytery of Turreff, and the Vicount of Frendraught for himself, and in name of the Parochiners of Aberchirdonr and Innerkethin, to the Commission appointed for visitation of the University of Aberdene. *Sess. 18.*

120.—Ref. of the Petition of the Commissioners of the Presbytery of Strabogie to the said Commission for visitation of Aberdene. *Ib.*

121.—Recom. to the Parliament of M. George Wisharts Bill for his maintenance. *Ib.*

122.—Ref. to the Commission at Edinburgh, for planting the Kirks of Edinburgh with three Ministers out of the Province of Lothian. *Ib.*

123.—Ref. to the said Commission at Aberdene, for tryall and censure of Master George Hannah. *Ib.*

124.—Ordinance for Master Alexander Moncreiffs repairing to my Lord Balcarras Regiment. *Ib.*

125.—Committee for presenting the Propositions of Government, and of the solemne Warning, to the Parliament. *Ib.*

126.—Recom. of Isabel Peebles Bill to the Parliament, and the Committee of losses. *Ib.*

127.—Ref. of Patriek Strachan to the Presbytery of Deere. *Ib.*

128.—Deposition of Master James Row. *Ib.*

129.—Declaration in favours of Ministers that cannot keep their houses in thir times of troubles. *Sess. 19.*

130.—Ref. to the Commission of the Kirk of the Lord Ogilvies Bill, with a Reference to the Parliament of the latter part of it. *Ib.*

131.—Ref. of the Laird of Lamingtons Bill to the Province of Glasgow. *Ib.*

132.—Act concerning Col. Areskines Regiment. *Ib.*

133.—Recommendation of the petition of the Parochiners of Larbar, to the Commission for plantation of Kirks. *Ib.*

134.—Commission for visitation of the Hospitals of Perth and Stirling. *Ib.*

135.—Recommendation of the edneation of the Lord Semples children to the Earle of Eglintoun. *Ib.*

136.—Ordinance to the Presbytery of Turreff, for excommunicating M. John Forbes, sometime Minister at Auchinles, and of M. William Lowman, sometime Minister at Cromartie. *Ib.*

137.—Ref. M. William Sibbald to the Presbyterie of Edinb. *Ib.*

138.—Ref. M. Alexander Robertson to the Presbyterie of Kincardin. *Ib.*

139.—Ref. of the tryall and censure of Master John Cheene to the Commission for visitation of the Universitie of Aberdene. *Ib.*

140.—Recom. of the Bill concerning the Theeves in the Borders to the Parliament. *Ib.*

141.—Commission for visitation of the Hospitals, and mortified moneyes within the Province of Aberdene. *Ib.*

142.—Commission for visitation of the Hospitals within the Province of Angus. *Ib.*



143.—Act in favours of the deposed Ministers referred unto the Commission of the Assembly at Edinburgh. *Ib.*

144.—Recommendation to the Parliament for punishing the murder of Master Patrick Lindsay. *Ib.*

145.—Recommendation to the Commission of the Assembly at Edinburgh, to present the Propositions of Government to the Parliament, and to receive their answer thereunto. *Ib.*

146.—Recommendation to the said Commission to urge all means for M. James Hammiltouns relief. *Ib.*

147.—Letter to the Brethren of the Ministerie in Ireland. *Ib.*

148.—Letter to Gen. Major Monro. *Ib.*

149.—Act appointing Mr Hugh Kennedie for the first three moneths, beginning the first of July, Mr. Andro Lawder for the second three moneths, Mr. George Hutchison for the last three moneths to repair to London-Darie. *Ib.*

150.—Letter in favours of Margaret Thomson to the Presbytrie of Kirkcendbright. *Ib.*

151.—Ref. to the Commission of the Assembly sitting at Edinburgh, to present Overtures to the Parliament for the good of the Kirk, and advancement of Piety, and to prosecute these presented in the preceding Sessions of Parliament. *Ib.*

152.—Ref. to the said Commission To present an Overture to the Parl. that Presbyteries may plant the Kirks which are of the patronage of defaulted and Excommunicate Persons. *Ib.*

153.—Ref. to the said Commission to present an Overture for restraining of Printing without Licence. *Ib.*

154.—Act appointing Master James Woods entrie to S. Andrews, To bee the first Tuesday of June. *Ib.*

155.—Ref. to the said Commission for presenting some Overtures to the Parliament, for restraining the education of Youth in the Colledge of Doway, or any other corrupt Colledge.

156.—Ref. of the Summonds against those that joynd with Montrose to the said Commission at Edinburgh. *Ib.*

157.—Ref. to the said Commis. concerning Witches and Charmers. *Ib.*

158.—Ref. to the said Commission To revise the Paraphrase of the Psalmes. *Ib.*

159.—Ref. to the said Commis. concerning the transplanting of M. Ja. Nasmyth. *Ib.*

160.—Appointment of Master Robert Baillie, M. Geo. Gillespie, and the Lord Waristoun To repair to England with all diligence. *Ib.*

161.—Ref. of the Summonds against the Subscribers of the Declaration at Oxford to the said Comis. *Ib.*

162.—Recom. of some distressed Persons to the charity of Presbyteries and Synods. *Ib.*

FINIS.

#### Miscellaneous Historical Documents,

RELATIVE TO THE ECCLESIASTICAL AND POLITICAL  
EVENTS IN SCOTLAND—1645.

1. *Excerpts from Principal Baillie's Account of the Westminster Assembly, continued from page 414.*

#### *My Assembly Speech.*

Right Honourable, Right Reverend Fathers and Brethren,—It is the joy of our heart, and the refreshing of our weariness, after a long and troublesome journey, to behold the chearful face of this most venerable assembly; whom we pray God to bless, and

all these honourable companies we are come from, does heartily salute in the Lord.

Our main errand hither at this time is, as you all know, to give some account, as God shall enable our weakness, of the employment of your servants and commissioners, and our Honourable and Reverend Brethren at London, who now a whole year and divers months have, with all care, attended the assembly and parliament there, for the furthering and advancement in that uniformity in divine worship and church-government, which both nations have sworn in their Solemn League and Covenant. The success which God, according to your prayers, hath been pleased to grant to our labour, you will better see than we can report, in the papers which we have brought from the Honourable Houses of Parliament, to be communicate when your wisdom shall think it seasonable to call for them. The sum of all, as we conceive, is well expressed in the letter of our dear colleagues to this venerable meeting, which here we offer; as also in that other letter of that Reverend assembly at London to that same meeting, which here likewise we present.

We can add nothing to that which from these letters you will hear read; only with your Reverences permission and favour, we are bold to profess, that God has done great things for poor Scotland, wherein our hearts doth rejoice; and we are confident, that the hearts of the godly posterity will not only rejoice, but wonder, when they look back on the footsteps of the Lord in his glorious work. When the bishops of England had put upon the neck of our church and nation the yoke, first of their Episcopacy, then of their ceremonies, 3dly, the whole mass of a service-book, and with it the body of Popery; when both our church and state did groan under an insupportable slavery; to have been freed of these burdens; to have been restored unto the purity of our first reformation, and the ancient liberty of our kingdom; to have had bishops, ceremonies, book and state slavery reformed, we would lately have esteemed it a mercy above all our praises; but now, beholding the progress of the Lord, how he has led us by the hand, and marched before us to the homes and holds of our injurious oppressors; how there he has made bare his holy arm, and brought the wheel of his vengeance upon the whole race and order of prelates in England, and has plucked up the root, and all the branches of Episcopacy in all the King's dominions; that an assembly and parliament in England unanimously, but which is their word, abolished not only these ceremonies which troubled us, but the whole service-book, as a very idol, so speak they also, and a vessel full of much mischief; that in place of Episcopacy a Scots presbytery should be concluded in an English assembly, and ordained in an English parliament, as it is already ordained in the House of Commons; that the practice of the church of Scotland, set down in a most wholesome, pious, and prudent directory, should come in the place of a liturgy in all the three dominions; such stories lately told, would have been counted fancies, dreams, mere impossibilities: yet this day we tell them as truths, and deeds done, for the great honour of our God, and, we are persuaded, the joy of many a godly soul. If any will not believe our report, let them trust their own eyes; for behold here the warrant of our words, written and subscribed by the hands of the clerks of the parliament of England, and the scribes of the assembly there. We will not descend into any particulars; for that were to take up more of your precious time than now you can spare; and it were needlessly to anticipate by dis-



course these things which presently, in particular and length, must be read unto you. Only it is our earnest desire, that the mereies whereof we are speaking, may be matter of thankfulness to all, a door of hope to fainting and feeble minds, who are oft misearried with fear what yet may be the event; a certain ground of clear despair to all the enemies of Zion; that they may give over their vain labour, and cease to oppose the work of God, whether by their secret obstructions, or open hostility; knowing that it will be hard for them to kick against the prieks, and that there is neither wisdom nor strength against the Lord. Since the beginning of this work to this present moment, an observing and faithful eye may clearly remark the Lord still advancing like the morning sun, ever advancing towards the meridian; it is great folly to fear, that any man, that all the worms of the earth, can stop the progress of the sun in the firmament. Clouds may arise from the earth, and thick mists may darken the face of the sky; but the sun goes on in his course, and at last by his strength will dispel these vapours, and make them fall to the ground, not without the benefit of the earth. This will doubtless be the end of these elouds that now fill our air. Let them yet further break out in more stormy winds, in greater fires and elaps of thunder than ever; yet at last this must be their destiny, to the ground they must fall, and fill the ditches and pits of God's vengeance. Our sun will shine, and our air will clear again. This we must believe, and, according to our faith, we shall certainly find it. It was indeed very needful that we should be humbled; our nation lately was advanced to a high pitch of honour; we might have perished worse, if we had not perished thus. We judge truly, that all our present troubles are not so much interruptions of the work, as very fit and seasonable preparatives to make us capable of more honour than yet we have attained; to fit us to be instrumental in greater works and services than yet we have been employed in. We all hope, that the chariot of the Lord will not here stand, nor be arrested within the compass of this isle.

*To Mr William Spang. London, April 25, 1645.*

On Thursday we were brought to the assembly. I spoke what you have in the inclosed. Mr Gillespie spoke thereafter much to the same purpose. Because of the longing desire of all to know what we brought, and to deliver the minds of some from their fears, lest we had other things than we at first would bring forth, all was presently read; the letters of the English assembly, our commissioners letters, the directory from end to end, the directory for ordination, the votes of government so far as had passed the assembly, and some other papers. All was heard with great applause, and contentment of all. It was one of the fairest assemblies I had seen; the choicest of the ministry and elders of all Scotland well conveyed; almost the whole parliament, nobles, barons, burghs, and all the considerable persons who were in town. Our message was exceeding opportune, and welcome to all. It was a great refreshing to them in a time of languishing and discouragement. A numerous committee was appointed to examine all punctually, which we were desired to attend. In five or six days we went through, and, by God's assistance, gave all men satisfaction in every thing. The brethren from whom we expected most fashry were easily satisfied; all did lovingly condescend to the alterations I had so much opposed, whereof I was very glad: only Mr And. R. was oft exceeding impertinent

with his ostentation of antiquity, and Mr D. Calderwood was oft fashious with his very rude and humorous opposition: yet we got them all at last contented; and the act, which Mr Gillespie drew very well, consented to, in the committee first, and thereafter in the assembly, with a joy unspeakable, blessed be God.

Thereafter we gave to the committee like satisfaction anent the other papers whereupon they were to have the assembly's opinion, but no act till they had passed the houses of the English parliament. When we had thus far proceeded, I went to Glasgow, to see my family and friends, after sixteen mouths' absence; where, to my great joy, I found all in health and welfare as I could wish; your mother also, and sundry friends whom I saw, blessed be God. I had left with sundry in the assembly to deal for my abode at home; but there was no remeid; both of us were ordained with diligence to go back; so all that concerned myself in private and publick went according to my mind. But for all this, my wine was ineontinent mixed with much wormwood from sundry sinister accidents both in England and Scotland. The Independents, with Mr Marshall's help, were very near to have carried, by canny conveyance of some propositions in the matter of church-censure, a fair and legal toleration of their way; but their legerdemain being perceived, was got crushed, to their small credit, and to the break-neck of that accommodation betwixt us and them, which was far advanced, but now, by their schismatick practices, is made desperate. \* \* \*

We have great toil here in the church-business. We are on the point of setting up presbyteries and synods in London; but all the ports of hell are opened upon us. \* \* \*

*A Publick Letter. London, April 25, 1645.*

Affairs here stand thus, so far as I understand. The assembly hath now, I may say, ended the whole body of the church-government, and that according to the doctrine and practice of the church of Scotland, in every thing material. We have been these two or three weeks on additional propositions, which seemed to be wanting for the making of the rest practicable and perfect; these also we have ended, except one or two, which I trust at our next session we shall pass. There will then remain no more for the government, but the methodizing and wording of these matters, that they may be transmitted to the houses of parliament for their authority. The catechism, and Confession of Faith, are put in the hands of several committees, and some reports are made to the assembly concerning both. We expect not so much debate upon these, as we have had in the directory and government. The Independents, these six weeks, have not much troubled the assembly; for after we had been a long time troubled with their opposition to all things, it was found meet to put them to declare their mind positively what they would be at. This they have shifted to this day, as it was thought not fully agreeing among themselves; but now being put peremptorily to it, they could not get it declined. Since, they have been about that task, and we expect daily when they shall present to us their platform of church-government. The assembly purposes not to take it into publick debate, but to give it to some committee that they may frame an answer to it, if so it be found convenient. The Houses have past of our votes of government, purposing quickly to erect the ecclesiastical courts, of sessions, presbyteries, and synods, and thereafter to pass so much of our government as they think necessary. We



will have much to do with them to make sundry of our votes pass ; for most of their lawyers are strong Erastians, and would have all the church-government depend absolutely on the parliament ; for this end they have past a vote in the House of Commons, for appeals from sessions to presbyteries, from these to synods, from these to national assemblies, and from these to the parliament. We mind to be silent for some time on this, lest we mar the erection of the ecclesiastick courts ; but when we find it seasonable, we mind to make much ado before it go so. We are hopeful to make them declare, they mean no other thing, by their appeals from the national assembly to a parliament, than a complaint of an injurious proceeding ; which we never denied.

\* \* \* \*

*For Mr Robert Ramsay. May 4, 1645.*

The assembly having put the Independents to shew what positively is their judgement in things controverted, we have been quit of their eumber these six or seven weeks. Every day this month we have been expecting their positive tenets, but as yet we have heard nothing of them ; only in their sermons in the city they are deviating more and more towards old and new errors, especially liberty of conscience. Their ways are daily more and more disliked. The directory is so far from being cried down as fools say there, that there is an ordinance of parliament coming out for the practice of it, if it be not changed, that I will be caution few shall dare to condemn, either that whole book, or any part of it. We have these fourteen days been upon our advice to a subcommittee of the House of Commons, anent the execution of our votes of government : for it is the work of that subcommittee to draw two ordinances ; the one, for the practice of the directory, wherein their punishment is as rigorous, if it be not mitigated, for the contemnners of any part of that book as it was before to the contemnners of their religion. For preachers, or writers, or publishers, against it, were they Dukes and Peers, their third fault is the loss of all their goods, and perpetual imprisonment. The other ordinance is for the erection of ecclesiastick courts over the whole kingdom. For their help herein, they called the ministers of London to advise them for their city, and they sent to the assembly for their advice anent the rest of the kingdom. The city-ministers have sent them their unanimous advice (for of 121 city-ministers, there are not three Independents) for planting, just after our Scottish fashion, an eldership in every congregation ; of fourteen presbyteries within the lines of communication, every one consisting of ministers betwixt twelve and sixteen, and also many ruling elders ; and of a provincial synod for London and ten miles round about. The assembly have presented their advice this day. We went through this forenoon-session unanimously what concerns provincial and national assemblies, as yesterday what concerned presbyteries, and the days before congregational elderships. They have concluded provincial synods twice a-year, presbyteries once a-month, and national assemblies once a-year ; and after, every one of these as it shall be needful. Herein the greatness of this nation forces them to differ from us with our good liking. Their provincial assemblies canuot consist of all the ministers, but of so many delegated from every presbytery ; for in sundry of their provinces will be above 600 churches, which would make at least 1200 members in a provincial synod : also their national assembly is constitute of three ministers and two ruling elders,

deputed, not from every presbytery, but as it is in France and Holland, from every provincial synod, whereof there will be at least sixty. We shortly expect an ordinance according to our advice, and the execution presently upon the back of it. Our next work will be the Confession and Catechism, upon both which we have already made some entrance.

\* \* \* \*

*To Mr William Spang.*

The condition of our church affairs is good. We are at a point with the government, and beginning to take the Confession of Faith and Catechism to our consideration. These eight days we have been on our advice for the manner of chusing of elders in every congregation, and division of the country into presbyteries and provincial synods. We hope now shortly, by God's help, to see a synod and fourteen presbyteries in London, and a session in every church, just after the Scots fashion. But other matters are in a dangerous posture. Hurry and Montrose have fought a most bloody battle.

\* \* \* \*

The Erastian party in the parliament is stronger than the Independent, and is like to work us much woe. Selden is their head. If L'Emperour would beat down that man's arrogance, as he very well can, to show, out of the Rabbins, that the Jewish state was diverse from their church, and that they held the censure of excommunication among them, and a double Sanhedrim, one civil, another ecclesiastick ; if he would confound him with Hebrew testimonies ; it would lay Selden's vanity, who is very insolent for his Oriental literature. Also if any of you would meddle with Erastus, whom Beza, they say, durst never answer, it would do us a great deal of good.

\* \* \* \*

*For my Lord Lauderdale.*

*Worcester-house, June 17, 1645.*

My Lord Fairfax sent up, the last week, an horrible Antitriastian ; the whole assembly went in a body to the Houses to complain of his blasphemies. It was the will of Cromwell, in the letter of his victory, to desire the House not to discourage these who had ventured their lives for them, and to come out expressly with their much-desired liberty of conscience.

\* \* \* \*

I know how lazy soever, and tediously longsome, they be here, yet that they will be impatient of any long delay there in this work. If ever ye did God or your country, or the whole isle, service in your life, haste up these recruits to our army. There is no other way to make the King take reason in patience, also to bridle the insolency of wicked men.

\* \* \* \*

*For Glasgow. June 17, 1645.*

Since my last, June 3d, there is, by God's mercy, a great change of affairs here. Our progress in the assembly is but small. We fell in a labyrinth of a catalogue of sins for which people must be kept from the sacrament, and ministers be deposed. When we had spent many days upon this, we found it was necessary to have an \_\_\_\_\_ and a general clause, whereby the presbyteries and synods behoved to be intrusted with many more cases than possibly could be enumerated. This retarded us so much, that yet it will be some days before the body of our government go up to the Houses. We have sent down the last fifty of the psalms. We wish they may be well examined there, that we may have your animadversions and approbation. Doubtless these new psalms will be a great deal better than the old.

\* \* \* \*



All would go well if it might please God to blink upon Scotland, to remove the three great plagues we hear that continue there, hardness of heart, the pestilence, and the sword. Our fasheries here are great and many; we wish, from our heart, to see a happy end, and to be at home.

\* \* \* \*

*Publick Letter. July 1, 1645.*

Little more progress is made in church-affairs. The assembly has been forced to adjourn on five divers occasions of fastings and thanksgiving lately, every one whereof took from us almost two days. When we sat we had no real controversy; only petty debates for alterations of words, and transposition of propositions, in the whole body of government, took up our time. Our luck will be very evil, if once this week, by God's help, we do not at last put out of our hands to the Houses all that we have to say of government, the whole platform there really according to the practice of our church. Farther, order for the directory, after many debates, at last is passed the House of Commons; very near as severe an ordinance as that against the neglect of the service-book. Wednesdays and Fridays are set apart by the Houses for church-affairs, so we hope very shortly to see presbyteries and synods erected; yet what retardment we may have from this great victory, obtained most by the Independent party, and what that model of government, whereupon Thomas Goodwin and his brethren, these three months have been sitting so close, that they very rarely, and he never at all has yet appeared, we do not know; only we expect a very sharp assault, how soon we know not, for a toleration to we wot not what.

\* \* \* \*

*July 8, 1645.*—All the ministers in London now without exception are for our presbytery. Thomas Goodwin and Burton, that were against it, are put by the parliament from their places. Some other few preachers are but lecturers. The Independents yet present not their model. We suspect their domestic divisions, or their perplexity, whether to take in or hold out from amongst themselves the rest of the sectaries. If our army were in good case, by God's blessing, all would settle quickly in peace; else, we are but in the beginning of confusions and troubles. The troubles in Scotland are but secondary evils. Your right eye would be on the affairs here, if you have either wisdom, or any love to yourselves. Mr Henderson is much tenderer than he wot. He and Mr Rutherford are gone this day to Epsom waters. So long as any thing is to do here, he cannot be away. I hope the rest of us ere long may be well spared, if once we had through the Catechism and a part of the Confession.

\* \* \* \*

*To Mr William Spang. September 5, 1645.*

This day we had a publick fast in all the churches within the lines for the miseries of Scotland. I confess I am amazed, and cannot see to my mind's satisfaction, the reasons of the Lord's dealing with that land. The sins of all ranks there I know to be great, and the late mercies of God, spiritual and temporal, towards them to have been many; but what means the Lord, so far against the expectation of the most clear-sighted, to humble us so low, and by his own immediate hand, I confess I know not.

\* \* \* \*

Yet all here is in the balance. In the assembly we are going on languidly with the Confession of Faith and Catechism. The minds of the divines are much enfeebled by the House their delay to grant the petition, a power to seclude from the table

all scandalous persons as well as some. Mr Prin and the Erastian lawyers are now our *remora*. The Independents and sects are quiet, enjoying peaceably all their desires, and increasing daily their party. They speak no more of bringing their model in the assembly. We are afraid that this shameful and monstrous delay of building the Lord's house, and their ingratitude and unkindness to us in our deep sufferings for them, will provoke God against them, which we oft earnestly deprecate; for their misery will be ours, and their welfare will profit all the Reformed churches I believe in time they will do all we desire.

\* \* \* \*

*A Publick Letter. London, October 14, 1645.*

For the great and seasonable mercies of God to desolate Scotland, our afflicted spirits do rejoice in God. Since he has begun to stretch out his arm for our deliverance, we hope he will not draw it back till he give us more matter of praise. We trust he will call back the destroying angel, and persecute the cruel enemy till he be no more. We hope the Lord will give repentance to that land, that after all these troubles we may be a holy and sanctified people; also, that those who ever have been but false-hearted, and now are discovered, and taken in the snare, will be so disposed upon, that they be no more able to serve the enemy.

\* \* \* \*

Great wrestling have we for the erecting of our presbytery. It must be a divine thing to which so much resistance is made by men of all sorts; yet, by God's help, we will very speedily see it set up, in spite of the devil. We have great difficulties on all hands; yet if the Lord continue to blink in mercy upon Scotland, they will diminish. I long extremely to hear the condition of Glasgow, what the enemy has done in it, and how now it fares; what is become of my dear brethren and colleagues, and their families; and what of my own. We hear particularly from almost all the parts of Scotland weekly; but since that black day at Kilsyth, we have got nothing particularly from Glasgow.

\* \* \* \*

We were in a long expectation of a model from the Independents; but yesterday, after seven months waiting, they have scorned us. The assembly having put them to it, to make a report of their diligence, they gave us in a sheet or two of injurious reasons why they would not give us any reasons of their tenets. We have appointed a committee to answer that libel. We think they agree not among themselves, and that there are many things among them which they are loth to profess, which, by God's help, ere long I mind to do for them in their own words. But our greatest trouble for the time is from the Erastians in the House of Commons. They are at last content to erect presbyteries and synods in all the land, and have given out their orders for that end; yet they give to the ecclesiastick courts so little power, that the assembly finding their petitions not granted, are in great doubt whether to set up any thing, till, by some powerful petition of many thousand hands, they obtain some more of their just desires. The only mean to obtain this, and all else we desire, is our recruited army about Newark. The inlacks of that army is the earthly fountain of all our difficulties here. If our distressed land be able to remeid it, it would be done quickly; else evils will grow both here and with you at home.

\* \* \* \*

*For Mr George Young. October, 1645.*

Our hearts here are oft much weighted and wounded by many hands. Our wrestlings with devils and men are great. However the body of this people



be as good as any people, yet they that rule all are much opposite to our desires. Some very few guide all now at their pleasure, only through the default of our army. For this long time they have not trusted us; but have had their secret fear of our colluding with the King.

\* \* \* \*

The faction that here prevails, minding liberty of conscience, and finding it impossible to gain us to oversee that so great a fault, have made that their work be to quit of us. They have occasioned many provocations, to vex us, and make us vex others. I cannot write the half of their unjust, proud, and unjust dealings.

\* \* \* \*

The assembly is much discouraged; they find their advice altogether slighted; a kind of presbytery set up; sects daily spreading over all the land, without any care at all to restrain them; a clear aim in the prevailing party to have a liberty universal; an utter dislike of our nation for opposing their designs, and driving it so high, that ways are studied, if no better may be, to break the union of the nations, and have us, for the carriage of our army, declared the first breakers to them, and dealt with us as such. We do what we are able to prevent mischief. We cry to God, who knows the honesty of our hearts, and the dishonesty of theirs; the cause of our engagement, and our huge suffering; their great ingratitude to us, and our great patience to them. It is gone already very high. We fear that they make Digby seem to deal with us, while they in truth know how to get the King from us to themselves on their own terms; and if we be not willing to compone in what terms, both for religion and state, they please, to cast us off; and for the recompence of all our labours, to turn on our poor, broken, distressed country the armies of both. The best way we know to prevent this, is to haste up our army, well recruited and disciplined, to Newark, having cashiered all who are the known instruments of debauchery, or can be proven to have kept correspondence with the enemy. This, in spite of the Independent plots, would help all: for the body of the parliament, city, and country, are for the presbytery, and love us, and hate the sectaries; but are all overwitted and overpowered by a few, whom the service and activeness of our army would undo.

\* \* \* \*

*A Publick Letter. November 25, 1645.*

In the assembly, we are going on with the Confession of Faith. We had long and tough debates about the decrees of election; yet thanks to God all is gone right according to our mind. That which has taken up much of the assembly's time and mind, these six or seven weeks, is their manifold petitions to the parliament, for a full liberty to keep from the holy table all scandalous persons. The parliament calls this an arbitrary power, and requires the assembly to make an express enumeration of all the sins for which they intend to censure. After many returns, we gave them in an enumeration of many particulars, but withal craves a general clause to be added. We have some more hope to attain it by God's help than before. This has been the only impediment why the presbyteries and synods have not been erected; for the ministers refuse to accept of presbyteries without this power. Had it been God's will that our army this summer had done any service, we had long before this obtained all our desires; or yet, if we could send any considerable strength to Newark, we would have great influence in their counsels. All good men here

desire the continuance of the union of the nations, and know, as well as we, that in that union the happiness of both doth consist, and in the breach of it the lasting miseries of both are certain ruin.

\* \* \* \*

The city, both magistrates and ministers, are now engaged, blessed be God, in very home and earnest petitions for the erection of general and provincial assemblies, of presbyteries and sessions, and all with their full power. The Independents in their last meeting of our grand committee of accommodation have expressed their desires for toleration, not only to themselves but to other sects. The parliament has no great inclination to satisfy either. What may come of this, we know not; only it were our heart's desire that our army at Newark were recruited. Nothing is better for the good of Scotland, for the welfare of the whole isle, and the Protestant religion. If God make us either unable or unwilling to this, the loss will be great to us and all.

We go on daily in some proposition of the Confession of Faith: till this be ended we will not take in any more of the catechism. The psalms are perfected; the best that without all doubt ever yet were extant. They are on the press; but not to be perused till they be sent to you, and your animadversions returned hither, which we wish were so soon as might be. The Lord give our poor land the fruit of their grievous troubles, and haste their deliverance.

\* \* \* \*  
*To Mr William Spang.*

We have had sundry meetings with them for accommodation both in the grand committee and sub-committees. We would, for peace's cause, dispense with them in very many things; but they are peremptor they will not hear nor speak of any accommodation, but they will by all means have their separate churches. They plead for a toleration to other sects as well as to themselves; and with much ado could we get them to propone what they desired to themselves. At last they gave us a paper, requiring expressly a full toleration of congregations in their way every where, separate from ours. In our answer we flatly denied such a vast liberty, and backed it with reasons, and withal are begun to shew what indulgence we could, for peace sake, grant. Here Mr Marshal our chairman has been their most diligent agent, to draw too many of us to grant them much more than my heart can yield to, and which to my power I oppose. As yet we are not come to express our rash bounty, and some things have intervened from God, that I hope will stay the precipitancy of some whom I expected should have been more opposite to all toleration of separate congregations, than when it comes to a clock I found them. 1. Thomas Goodwin, the last meeting, declared publickly, that he cannot refuse to be members, no censure when members any for Anabaptism, Lutheranism, or any errors which are not fundamental, and maintained against knowledge, according to the principle in the Apologetick. This ingenuous, and most timeous, albeit merely accidental profession, has much allayed the favour of some to their toleration. 2. Some good friend has informed the city-ministers, that they in their meeting at Sion college, have resolved unanimously to petition the assembly against all such tolerations. 3. The other day Sey and Wharton moved in the House of Lords to adjourn, that is really to dissolve, the assembly. 4. The Independents are stickling too openly to have the common council of London modelled to their mind. 5. Instead of their long-expected model, they presented a libel of invectives as



reasons why they would present no model to the assembly. This, underhand, they caused print; and when the assembly had drawn up a sober and true answer, and got an order from the House of Lords to print it, they make their friends in the House of Commons as yet to keep it in. All these are alarms to make us, if we be not demented, as many the best men here are, to be the more wary of their toleration.

We go on in the assembly now with pretty good speed in our Confession of Faith. We have passed the heads of scripture, God, Trinity, decrees, providence, redemption, covenant, justification, sanctification, free-will, sacraments in general, a part of perseverance, and of the Lord's Supper.

\* \* \* \*

*A Publick Letter. London.*

However we wait daily on the assembly, yet our progress in the Confession of Faith is but slow. We have many diversions, many days of fasts and thanksgivings, with the days preceeding them for preparation. The providing ministers to all vacant churches, even to remote shires, their trial and mission, lies on the assembly, and takes up almost every day too much of our time. The printing of the Bibles fashed us much before we could fall on the way to get them printed well for eight groats in octavo, with the marginal quotations, and for six or seven groats at most in 12mo unbound. This we hope will encourage poor people to buy Bibles. Also we are oft diverted with many by-questions from the House; yet we hope, by God's grace, ere long to end the Confession. We stick long sometimes on scabrous questions; but that whereupon the eyes and hearts of all are fixed, is the settling of the government, and with it the toleration of sects. The greatest part of the parliament have been hitherto very to do less in the one, and more in the other, than we could wish. Great struggling have we had, and yet we have much to do. God has helped us to get the body of the ministry of all the land to be cordially for us, and the city is now striking in; which we hope shall carry it, and get up a straighter government, and also exclude toleration of sects more than many men here do desire. We have had many bickerings with the Independents in the grand committee about an indulgence for their separate congregations. We have spent many sheets of paper on both sides. They have given in writs thrice, and we have as oft answered in writ. They are on their fourth writ. To these we must give a fourth rejoinder, and then come to debate verbally. For this point, both they and we contend *tantum pro aris et focis*. Had it been God's will to have made our army here this last year successful, we should have had few debates for any of our desires; but the calamities of our country, and weakness of our army, make the sects and their friends bold, and very insolent.

\* \* \* \*

*To Mr William Spang.*

This same day, the letter of our parliament is read; which, in high and peremptory terms, but yet wise and unchangeable terms, requires the settling of religion at last, according to the advice of the assembly, without all toleration of any schism.

\* \* \* \*

*Publick Letter. London, December 2, 1645.*

We make good progress in our Confession of Faith. It would be very satisfactory when the Lord gives it a conclusion. Our two great high businesses for the time, are the obtaining from the House a power to exclude all scandalous persons

from the communion. We have stuck some months on that work. The city, both ministers and magistrates, have come down to put off our

We expect, by God's help, satisfaction in this. The other is our committee of accommodation, which will be a mighty business. The Independents here plead for a toleration both for themselves and other sects. My Dissuasive is come in time to do service here. We hope God will assist us to remonstrate the wickedness of such a toleration. Yet the assembly and city do cordially join with us in opposition to all such motion; and we hope the House shall never approve it. An accommodation in just terms we were well content with; but the Independents always scorned it. Yet ere long I think they will beg it when it will not be granted.

\* \* \* \*

*For Mr Roberts.*

Yesterday the assembly's petition was frowned upon in both Houses; notwithstanding we purpose, God willing, on Thursday to give in a remonstrance of a more full and high strain, to be communicate to both Houses, and the assembly, on Friday, by the hand of the grand committee. What necessity there is of hastening your petition also, you may consider. I heard yesterday, that Mr Lilburn has a petition for the sectaries, subscribed with the hands of a great many thousands.

[See continuation of the Account of the Westminster Assembly, appended to the Acts of 1646.]

*Note of Proceedings in the Convention of Estates relative to the Church, betwixt the Assemblies of 1645 and 1646.*

1645.

*February 12.* Act Discharging the Printing or Reprinting of some Books, (religious,) p. 167.

*February 13.* Act anent Printing of Warning from the Assembly. *Ib.*

*March 8.* Decreet of Forfeiture against the Earl of Montrose and his Assistants, for their Invasion in the South, p. 182. Decreet of Forfeiture against them for Invasion in the North. *Ib.* Act for Transplanting of the Kirk of Kirkmabreck. *Ib.* Act anent the Erection of a new Kirk in the Landward Parish of St Andrew's. *Ib.* Act anent the Answer of the Estates to the Remonstrance of the Commissioners of the General Assembly, p. 187. Act anent the Erection of the Kirk of Carferri. *Ib.* Ratification in favour of the Principal and Second Ministers of Paisley, p. 188.

*July 10.* Act Restraining any to go out of the Country without License, p. 191.

*August 2.* Act of Approbation of the Directorie, and for recording, publishing, and practising of the same, conforme to the printed copy, p. 193.

*August 7.* Act against Swearing, Drinking, and Mocking of Piety, p. 195. Act for uplifting of Pecunial Pains to be bestowed upon Pious Uses. *Ib.*

*December 18.* Act anent the Training and Arming of the Fourth Man, p. 200.

*December 26.* Act for Publishing and Printing of the Declaration of the Commissioners of the General Assembly, p. 202. Answer of Parliament to the Remonstrance of the Kirk. *Ib.*

1646.

*January. 16.* Decrees of Forfeiture against Sir Robert Spottiswood, Nathaniel Gordon, William Murray, and Mr Andrew Guthrie, p. 205. Commission for Visiting the Universities of Aberdeen.



p. 205. Act in favour of the University of St Andrew's. *Ib.* Overtures for the Kirk and Ordinance of Parliament. *Ib.*

*February 2.* Act discharging the Printing of anything concerning Religion or the Kirk without License, p. 215. Act aenent Non-Covenanting Patrons. *Ib.* Act for founding Schools in every Parish, p. 216. Act discharging the Printing of Books, Chronicles, or Libels without License. *Ib.*

*February 3.* Act in favour of the University of St Andrew's, and aenent the Creditors of Sir Robert Spottiswood, p. 228.

*February 11.* Act Discharging the Printing of anything concerning Religion or the Kirk, without License of the General Assembly or Commissioners, p. 215. Act aenent Non-Covenanting Patrons. *Ib.* Act for founding Schools in every Parish, p. 216. Act discharging the Printing of Books, &c., applicable to all Publications "concerning the State of the Kingdom for ages past, without Warrant or Allowance for that effect," from the Secretary of State or Supreme Judicatories, without prejudice to the Act in favour of the Kirk, p. 217.

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THE  
GENERAL ASSEMBLY,  
AT EDINBURGH, 1646.

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THE preceding pages embody, with sufficient fullness and authenticity, the proceedings of the Scottish Parliament and Assembly in the beginning of the year 1645; and it is now our task to revert to contemporary occurrences during the period which intervened betwixt the Assemblies of 1645 and 1646, and which gave a colour and character to these proceedings, and ushered in the latter General Assembly.

Of the occurrences now referred to, by far the most striking and interesting were the military achievements of Montrose, which more immediately operated on the nerves and the policy of the Scottish Conventions in January and February, 1645. In our last sketch, we brought down the notices to the end of January, of that year when Montrose, having devastated Argyleshire, and chased its lord into the Lowlands, bent his steps towards the north, in order to muster the Royalists, and renew his summer aggressions on the dominant Covenanters. He had not, however, proceeded far on his route when he learnt that Argyle had returned to his own country with some Lowland forces, with whom he joined the remnant of his own clan, and had taken up a position at Inverlochic Castle, near Fort William, at the western extremity of the chain of lochs which have recently been connected by the Caledonian Canal. Retracing his steps through the snow-wreathed mountain passes with his wonted celerity, Montrose's band was once more suddenly and unexpectedly in face of his enemy on the 1st of February, and the outposts partially engaged. Although greatly superior in force to Montrose, and in a position of his

own selection, the Lord of Argyle prepared, at the dawn of day next morning, for the coming battle, by securing his own person in a place of safety. The soldiers on both sides had lain all night on their arms; and, when Montrose was in the field, there was little parley to be looked for. Argyle surveyed the contest from the boat in which he had rowed from the shore ere it commenced; and once more the star of Montrose was in the ascendant. The clan Campbell and their allies fought gallantly; but, deserted by their chief, and paralyzed by the terror of Montrose's name, fifteen hundred of them were slaughtered before the eyes of their craven lord in the battle and retreat which followed; while this victory was won with the most trivial loss of men on the part of Montrose—among whom was Sir Thomas Ogilvy, of the House of Airlie, one of the most chivalrous adherents of the Royal cause.

Montrose, having thus annihilated Argyle's power, and tarnished the military and moral influence of that chieftain, proceeded towards the north-east, where the fame of another victory gained him the support of Lord Gordon, and a considerable body of cavalry under his banner. The dismay of the Convention and Assembly, then sitting at Edinburgh, may be gathered from their recorded councils; and although they screwed their courage up while Montrose was traversing the Grampians and the wilds of the Western Highlands, his uniform success, and the increase of his strength, made them tremble for their safety even in the metropolis, though all the castles were in their hands. Baillie, the second in command of their troops in England, and Urry, (both experienced soldiers,) were recalled. These generals for some time manœuvred so as to prevent Montrose from crossing the Tay and Forth; and, as was frequently the case with him, his force was diminished by the retirement of numerous portions of it. With the remnant, however, he attacked the town of Dundee; and, with the irrepressible ardour of his Highland and Irish soldiery, (who had no pay or sustenance save plunder,) it became a scene of devastation, even in the immediate vicinity of Baillie's army, which was within a mile of the town. Montrose hurriedly recalled his soldiers from the havoc, and effected a retreat northwards, which has been admired as one of the most brilliant of his exploits. In the face of a much superior force and able generals, he effected his retreat without disaster—marching above sixty miles without intermission, and fighting or manœuvring for three days and nights, without rest or refreshment.

The Gordons once more joined Montrose in the north; and Urry being detached to lead the northern Covenanters, and attack him in that quarter, the hostile parties came again into collision at Auldearn, (4th May, 1645,) where Montrose disposed his small band in the most skilful manner, and obtained another victory in that fierce and well fought battle, in which 2,000 of Urry's troops were



cut to pieces. Urry had lost in it about a third part of his soldiers; and being completely disabled and baffled, he was compelled to retreat on Baillie's main army, and leave Montrose victor of the field. Baillie and Urry still advancing in greater force, Montrose soon again came into contact with them (on the 2d of July) at Alford, where, after a fierce and sanguinary struggle, (in which Lord Gordon was mortally wounded,) the genius of Montrose, and the resistless gallantry of his followers, won the day. They burst through the army of the Covenanters like a living torrent, sweeping everything before them; and thus the most skilful leaders, and some of the best troops of the Covenant, were utterly cut off, or scattered in the north.

The natural effect of this career of victory was a considerable accession to his standard, both of Highlanders and of non-Covenanters in the Lowlands, who had hitherto been borne down by the high-handed power of the Church and Estates, combined against the Royalists of that kingdom; and there was something too, it must be confessed, in the daring, and the devotedness of Montrose to his Sovereign—in his grappling with and surmounting all disadvantages—and in the fame of his uninterrupted triumphs—which was calculated to awaken the martial spirit of Scotland, that we have seen even in later times awakened from the slumber of peace, and shining forth in brightest lustre on the fields of Spain and Belgium.

Notwithstanding the successes which had attended the arms of the Parliaments in England, these successes of Montrose excited the greatest consternation in the councils of those who at that time ruled Scotland. New levies of troops were ordered to the number of 10,000; and the Convention of Estates was driven from Edinburgh by a pestilence, which added to the other horrors of the year 1645 in Scotland. They removed their sittings, in the month of July, first to Stirling, afterwards to Perth—assembled around them all the forces they could muster under the command of Baillie—and sent all the western Lords of the Covenant to their respective shires to quicken new levies.\*

Montrose, with ranks more crowded and better appointed than heretofore, descended from the mountains, and passing by the Convention and the troops at Perth, whom he treated with scorn, advanced southward with rapidity. Approaching the northern shore of the Forth, through Kinross-shire, he consigned Castle Campbell (belonging to Argyle) to the flames. He thence proceeded westward, marking his progress by similar acts of vengeance; and crossing the river Forth at a ford some miles above Stirling—the castle of which he had no means of assailing—he then bent his course in a westerly direction for the purpose of dispersing the new levies in the south-western counties, and of advancing to the aid of his royal master in England. When he had advanced

as far as Kilsyth, he learned, on the 15th of August, that Baillie, who had decamped from Perth, and taken the shorter route by Stirling Bridge, was advancing towards him. That able commander, knowing full well the spirit of Montrose and of his troops, would have avoided a general engagement, but was overruled by Argyle and other nobles, forming a Committee of the Estates, who urged on the attack. Montrose was advantageously posted, and eager for the fight; his men stripped to their shirts; and thus prepared “to do or die.” The Covenanters, ere yet they were fully formed, began the attack on an outpost; upon which Montrose, seeing and snatching the favourable moment, poured down his daring followers to the combat, to which they rushed in close columns with a wild shout that appalled their antagonists, whose ranks they pierced, and whom they dispersed and slaughtered with scarcely a shew of resistance, for the space of more than ten miles. Four or five thousand of the Covenanters were slain on the field and in the flight; and the only semblance of an army which the Covenanters had on foot in Scotland was thus utterly routed and dissipated. On this, as on former occasions, Argyle sought personal safety in a barque on the Frith of Forth, at the nearest point to the scene of action.

The capital surrendered on his advance, and there, as well as elsewhere, he liberated a number of the King's friends who were in captivity; and so many persons of rank and consideration joined his standard, that he called a Parliament to be held in Glasgow in the King's name. For the time, he was the conqueror of Scotland, save only its few castles; but even if he had possessed the means of reducing them, that formed no part of his scheme, which was to reach and join the Royal standard in England. Meanwhile, the leading men of the Convention and others fled for concealment in all directions; and, for a brief space, the power of the Covenanters was completely broken. But, from the very nature of Montrose's armaments all along, they were liable to frequent mutations. Destitute of what have been emphatically termed “the sinews of war”—the funds for regularly maintaining his followers in the field—they ever and anon, as volunteers, retired to their homes, to the harvesting, and other pursuits, without leave asked or given; and even after the triumphant Battle of Kilsyth, when he had thus become master of Scotland, and might then have trodden the Covenanters under foot, his forces melted away, until it was diminished nearly to the condition in which it had been when he traversed the wilds of Atholl and Badenoch.

Having communicated with the King, whose fortunes were then at the lowest ebb in England, and urged him to draw near the northern border, so as to form a junction of their respective forces, Montrose received, by the hands of Sir Robert Spottiswood, a commission, under the Great Seal, appointing him Captain-General and Lieutenant-Governor of Scotland. Thus fortified, and animated

\* Vide Acts, vol. v., p. 190.



by the sanguine spirit which had already achieved such wonders under the most disadvantageous circumstances, Montrose began his March towards the Border, and, early in the month of September, took up his cantonments at Selkirk; one portion of his little army (the cavalry) being quartered in that hamlet, and the other division of it being encamped at Philiphaugh, on the opposite bank of the Yarrow. Meanwhile the tidings of the disasters and despair of the Covenanters at home had reached the army in England. The chief men of that party were skulking in Berwick and other places near the Border, which were occupied by the Covenanting forces—and David Leslie was detached with five or six thousand of the Scottish auxiliary army, composed chiefly of cavalry, to check the progress of Montrose in Scotland. He crossed the Border at Berwick, and proceeded on the route towards Edinburgh, with the view apparently of intercepting the return of Montrose's adherents from the north and the Highlands. But he was too good a general either to disclose his real intention, or to overlook any advantage which offered itself in the course of his operations.

When Leslie had advanced so far as Musselburgh, and was within two hours' march of Edinburgh, he suddenly changed his route, and started across the country by Middleton to Melrose, within four miles of Montrose's cantonments. Leslie's troops were quartered at Melrose on the 12th of September, and reposed there and in its vicinity during the night; and early next morning, covered by a thick mist, approached Montrose's encampment on Philiphaugh. All the chief gentry on the Border being at the time in the interest of the Covenanters, and their vassals and tenantry being, of course, like-minded according to the feudal feelings which then prevailed; and Montrose being lulled to a fatal security by past success, and a belief that Leslie was in or near Edinburgh, had not his scouts on the outlook. Leslie, favoured by these circumstances, suddenly and unexpectedly attacked the camp of Montrose, when unprepared for the contest, on the morning of the 13th of September. Dividing his force into two portions, they respectively attacked Montrose's infantry on either flank; and the first tidings which their chief heard that an enemy was near, were the sounds of battle from the opposite bank of the Yarrow. Mustering his cavalry in all haste, he rushed to the battle field, but too late for his presence being available. Although his gallant followers fought with their wonted enthusiasm, many of them were already either slaughtered or taken prisoners ere he reached the scene of conflict; and although he and his companions did all that skill or valour could accomplish in such circumstances, it was in vain. Montrose continued the desperate combat until all that remained of his force was only thirty of his cavalry, the greater number being either killed, taken prisoners, or sheltered from the rout in an adjoining wood. With this wreck of his band, he retreated

up the Yarrow and crossed over to Peebles, where a few of his followers who had escaped joined him. After this disastrous affair, Montrose once more retreated to the Highlands, where for the present we must leave him.

We cannot pass on from this narrative of the Battle of Philiphaugh, without recording that the successful commander, David Leslie, tarnished his laurels by a cold-blooded massacre of the prisoners he had captured, at the instigation, it has been confidently affirmed, of the Covenanting clergy. Many of the prisoners were taken to Newark Castle; and, while several persons of rank and better condition were reserved for future vengeance, those of an inferior class were butchered in scores in the court-yard of the Castle, like cattle in the shambles: one hundred persons, at least, were put to death on this occasion. A more atrocious outrage against all the usages of civilized warfare never was committed, save in the modern times of Spanish barbarity; and these hapless men, it must be remembered, were taken prisoners while bearing arms under the commission and in the cause of their lawful Sovereign, whose title and authority the Covenanters at that time did not impugn, but, on the contrary, affected to vindicate and uphold. If in future turns of fortune, the Covenanters became the victims of bloody persecution, let it not be forgotten, that this system of wholesale murder originated in the massacre at Newark Castle. It must be stated, however, in palliation of this act of revenge by the Covenanters, that Montrose and his followers, during the progress of their victories, had ravaged, with unsparing severity, every district which they visited; plundering, burning, and desolating, and not unfrequently sacrificing life without mercy or remorse at every stage of their progress.\*

The picture which Scotland exhibited at the time referred to, would be incomplete were we to omit mention of the executions in form of Law which soon after followed the massacre of Newark. Douglas, Crawford, Erskine, Fleming, and Napier, escaped along with Montrose from the field of Philiphaugh; but among the prisoners reserved for more deliberate proceedings, were Hartfield, Drummond, Ogilvy, Sir Robert Spottiswood, (a son of the Archbishop and President of the Session,) Sir Alexander Leslie of Auchintool, Sir William Rollock, Sir Philip Nisbet, William Murray, brother of Tullibardine, Alexander Ogilvy of Innerquarity, Nathaniel Gordon, Andrew Guthrie, son of the Bishop of Moray, Stewart the Adjutant, and two Irish Colonels, O'Kyan and Leighton. David Leslie, after his victory at Philiphaugh, fell back on Lothian, where the two Irish officers were tried by martial law and executed. Soon after, at a meeting of the Estates in Glasgow, Sir William Rollock, Sir Philip Nisbet, and Alexander Ogilvy, were found guilty of "rebellion against the State,

\* *Minstrelsy of the Scottish Border*, vol. ii., p. 170. *Clarendon State Papers*, vol. ii., p. 189. *Spalding*, vol. ii., pp. 273



and executed there on the 29th of October. On the 26th of November, the Parliament met at St Andrew's, when Sir Robert Spottiswood, (whose sole crime was carrying the King's commission to Montrose,) Mr William Murray, Colonel Gordon, and Mr Andrew Guthrie, were tried, condemned, and executed. Lord Ogilvy and Adjutant Stewart made their escape; and Hartfield alone, through the intercession of Argyle, was pardoned. And thus commenced the bloody war of party revenge, which for nearly forty years afterwards polluted and dishonoured the annals of Scotland.

In our last introductory sketch, we had brought down the narrative of events in England to the Treaty at Uxbridge, which commenced in January, 1646. The discussions embraced three great points—religion, the militia, and Irish affairs. On the first of these, the Parliamentary and Scottish Commissioners strenuously insisted on the uniformity of religion, in terms of the League and Covenant; Presbyterianism to be the form of Church Government, and that form, with all its formalities and doctrines, (still unsettled even in the Ecclesiastical Assemblies of both kingdoms,) was sought to be sanctioned and adopted by the King, and enforced coercively on all his subjects of Scotland, England, and Ireland. The other two subjects presented also debatable points; but these are foreign to our purpose; and the King having been required to sanction a bill for the abolition of Prelacy—to confirm the proceedings of the Westminster Assembly, with all the particulars subordinate to such a requisition—the treaty terminated on the 22d of February, without leading to any auspicious results, by the King rejecting overtures so inconsistent with all his principles. Nor although the insurgents were still in the ascendant in the affairs of arms, had the Presbyterian party any good ground of confidence in their ultimate triumph; for henceforward the Independent party became more bold and energetic, and, ere long, acquired a decided preponderance in the councils which ruled the land; and, finally, abolished and tyrannized over both the Episcopalian and Presbyterian establishments; these being completely overborne by a potent combination of wild and mystic sects, whose tenets were too variegated to admit of any adequate description in a sketch of this kind, but who always inculcated the doctrine of unlimited toleration, although in their conduct, as was the fashion of the age, they practically outraged its principles.\*

The Acts of the Assembly 1645, contain abundant evidence of the spirit by which it was animated; and we forbear adverting to particulars. We go on, therefore, to remark that the English Parliament, by their self-denying ordinance and new modelling of the army, having invested the leading Independents with the highest power on their side, obtained, on the 14th of June, 1645, the victory at Naseby. The fate of Charles was thereby irrevocable.

\* Vide Neal's Hist. of Puritans, vol. iii., p. 131. Baillie, vol. ii., p. 85.

ably sealed, and his fortunes hopelessly overcast. In this state of affairs, the conflicts betwixt the Presbyterian and Independent parties waxed fiercer in consequence of continued efforts, on the part of the former, to obtain uncontrolled spiritual domination, which was, of course, resisted by the other party; and the English Parliament and leaders having, with the assistance of the Scottish armies, triumphed over the Royalists, in all quarters, were now anxious to get quit of their allies, whose presence in England operated as a check on the predominant English adventurers. Imputations against the Scottish army for rapacity, inactivity, and other real or imaginary backslidings, led to recrimination and heartburning; and the Scotch had a plausible ground of complaint, inasmuch as the pay and allowances which had been promised them by the English Parliament were greatly in arrear. Besides all these causes of discord, the Scottish party was disappointed by the qualified adoption of Presbyterianism as the Church of England. The conclusions of the Westminster Assembly, after being sanctioned by the Scottish General Assembly and Estates, were adopted indeed as an experiment by the English Parliament, but to be reversed or altered according to circumstances; and during all the sittings of the Westminster Assembly, the English Parliament sturdily refused to render the Church independent of the State, and retained to itself the ultimate power of control in all matters ecclesiastical as well as civil. This sort of erastianism was very unpalatable to the Scotch, who had set the Church above the State, and wished this dominancy to be extended to England as well as Scotland.

While these misunderstandings were at a height, and the King's power almost annihilated, he endeavoured to avail himself of these distractions by a diplomacy not, perhaps, altogether free of intrigue, with both the parties concerned; and, towards the close of the year 1645, he made overtures for an agreement with the English Parliament; but although quarrelling among themselves, the victorious parties concurred in rejecting those overtures, which, had they been acceded to, might eventually have frustrated the designs of Cromwell and his associates. They resolutely resisted the King's offers to disband all his forces and go to London, attended only by a royal escort, to pass an act of oblivion, and to do whatever the Parliament should advise for the good and peace of the kingdom, on the single condition of obtaining security for the personal safety of himself and his followers. The absolute rejection of such propositions was a sufficient indication to the unfortunate Charles that he had nothing to expect even from the most humiliating concessions to the ruling party in England; and in this sad extremity of his fortunes, he adopted, perhaps, the only other alternative that remained to him—that of casting himself unreservedly upon the loyalty, the generosity, the gratitude of his Scottish subjects; for assuredly the ample conces-



sions which he had made to them in 1641, by which he had confirmed their favourite ecclesiastical polity, given omnipotence to the Estates, and vested the executive authority entirely in the hands of the ruling party in Scotland—and which he had not, in a single instance, infringed during the space of five years, (unless his commission to Montrose may be so construed,)—gave him reasonable grounds to expect that they would welcome and protect their native King, who had thus lavished his regal prerogatives upon them, and extended their national liberties. We shall soon see the result of this resolution.

The King had been induced to adopt the course now alluded to by the representations of Montreville, a French agent, who assured him he would be safe and welcome in the Scottish camp, then pitched before Newark. On the 27th of April, 1646, Charles left Oxford in disguise, and on horseback, as the lackey of one of his attendants, of whom there were only two, Ashburham, groom of his bed-chamber, and Hudson, a clergyman; and, after traversing the country by many by-ways and circuits, he at length, on the ninth day after leaving Oxford, reached the camp at Newark. The King's departure from Oxford, which was soon discovered, and communicated to the Parliament, spread a panic among the factions of which it was composed. They dreaded his appearance in London, as calculated to excite some reaction inimical to their designs; and to harbour or conceal his person was denounced, under all the penalties of treason against the Commonwealth. This dastardly alarm was only quieted by intelligence of his Majesty's arrival at the Scottish camp, of which the Lord Leven had sent notice to both the Scottish and English Parliaments; and the latter passed a resolution on the sixth day of May, that the Scottish general and commissioners should be required to consent that his Majesty's person might be at the disposal of the two Houses of Parliament in England, and sent to Warwick Castle. They were also desired to render up the persons of his two companions; a demand to which the Scottish authorities in the camp demurred, on grounds which were honourable to their feelings.\*

The Scottish general had received his sovereign, on his arrival at the camp, with all becoming courtesy and respect; but he soon found himself in truth a captive, and reduced to the condition of a mere make-weight in the scale of sordid political negotiations which speedily ensued betwixt the Parliaments of England and Scotland. Leslie, with small difficulty, induced the King, who was now powerless, to issue his orders to the Commander of Newark, for the surrender of that town, which took place on the 6th of May. This was followed by similar orders to other loyalists in various other strengths, which still held out for the King, and by his instructions were rendered up to the Parliamentary forces; and

thus the last visible sparks of loyalty, and of regal authority in the person of Charles I. were extinguished in England. Having effected these objects, and having the royal person in his custody, the Scottish general led his army northward, and on the 13th of May 1646, took up his cantonments at Newcastle-upon-Tyne.\*

The cessation of arms was succeeded by a vast variety of complicated negotiations, which it is not within our province to detail. The Committee of the Scottish Estates was sitting when the King's arrival at the camp was made known to it, on which it sent a deputation with a message of seeming loyalty, and an intimation of the lively interest which it took in the safety of his person, and the preservation of his honour; but very speedily he learned that it had given instructions to its Commissioners to act in concert with the two Houses of Parliament in England, and that the Scottish Estates would not agree to anything by which the "unity and uniformity" in religious matters, which was contemplated by the League and Covenant, in the three kingdoms might be affected. Untaught by the lessons of experience—shutting their eyes to the fact that, instead of the "unity and uniformity" which they fondly anticipated from it, that celebrated monument of extraordinary zeal had been productive only of an increase of schisms, divisions, and theological sects, on all hands, and in high places—and forgetful too that by the very terms of that deed, as well as by the Covenant of 1637, they were bound "to defend the Kings Majesties person and authority," and "the honour of the King"—they allowed themselves to get bewildered in a maze of metaphysical theology and polemics, which set at nought the most obvious dictates of common sense and sound morality, and still persisted in the inforcement of a uniformity which no earthly power ever can command, without an exercise of unmitigated despotism. In this state, and in this mood, were the affairs and the authorities of Scotland when the General Assembly met on the 3d of June, 1646. The political events of the time will become the subject of further review, after exhibiting the proceedings of that Assembly.

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\* In order to save the necessity of frequent references to the authorities on which this brief historical sketch is given, it may be deemed sufficient to state that the facts are given chiefly from Rushworth, (Part iv., vol. i.,) in which all the documents relative to the period are to be found in the most authentic form. Whitelock's Memorials, Baillie's Letters, Guthrie's Memoirs, Crawford's Lives, and Clarendon, may also be consulted by those who desire to obtain minute and exact information with respect to the transactions of those times. We think it right to state, that throughout we have taken the documentary evidence afforded by Rushworth as our safest guide, both as to the chronology and the character of events. The works of Mr Hume and Mr Laing, in relation to those times, may be regarded rather as able historical disquisitions than histories; for the almost entire want of dates renders their narratives extremely perplexed and unsatisfactory.

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\* Rushworth, vol. i., p. 268, 271.



## THE PRINCIPALL ACTS

OF THE GENERALL ASSEMBLY, MET AT EDINBURGH,  
JUNII 3, 1646.

Edinb. 4 Junii, 1646. Sess. II.

*'The Kings Letter to the Assembly, presented by M.  
Robert Douglas, Minister at Edinburgh.*

CHARLES R.

**R**IGHT trusty and welbeloved, We greet you well. Having lately written to Our Houses of Parliament at Westminster, and the Commissioners from Our Kingdom of Seotland at London, and likewise to the Committees of Estates of that Our Kingdom; Shewing Our great sense and grief for the sad effects have flowed from the unhappy differences betwixt Us and Our Subjects, with Our reall resolutions to comply with the desires of Our Parliaments of both Kingdoms, and those entrusted by them for settling of Truth and Peace in all Our Dominions: And now being informed of your meeting, We have thought fit hereby (since We could not conveniently send a Commissioner) to give you the same assurances; And withall, that it shall be Our constant endeavour to maintain Religion there, as it is established, in Doetrine, Worship, and Church-Government, and leave no good means unassayed for setting an universall Peace in that Our native and ancient Kingdom, with the Reformation of Religion, and settling Peace in England and Ireland: And after the return of an answer to Our late Message to Our Houses of Parliament heer, We shall more particularly acquaint you, or your Commissioners, with Our further resolutions. In the mean time, We seriously reecomend Ourselves and the distracted condition of Our Kingdoms, to your most earnest Prayers to God in Our behalf, expecting from you faithfulness in your severall Charges and Callings, with that Loyaltie and obedience which becometh the Ministers of the Gospel. We bid you very heartily farewell, from New-castle the 28 of May, 1646.

DIRECT.

For Our right trustie and welbeloved,  
The Moderatour, and other Members of the Generall Assembly of the  
Kirk of Our Kingdom of Seotland.

6 Junii, 1646. Ante Meridiem. Sess. IIII.

*Act concerning the Registers and Acts of Provinciaill Assemblies.*

**T**HE Assembly reecomends to Provinceall Assemblies, that hereafter they cause read all their Acts, before the dissolving of every Assembly; And that their Registers be written formally, and in a good hand writing, with the severall Leafes or Pages thereof marked by eiphers according to their number.

11 Junii, 1646. Ante Meridiem. Sess VII.

*Act concerning the publike satisfaction of Married persons, for Fornication committed before Marriage.*

**T**HE Generall Assembly understanding that in many places the publike scandals of Fornication committed before Marriage, are not taken no-

tice of and removed by publike confession according to the order of this Kirk; Therefore for remedie thereof do Ordain, That all Married persons under publike seandall of Fornication, committed before their Marriage (although the seandall thereof hath not appeared before the Marriage) shall satisfy publikely for that sin committed before their Marriage, their being in the estate of Marriage notwithstanding And that in the same manner as they should have done if they were not Married.

13 Junii, 1646. Ante Meridiem. Sess. X.

*Ordinance for Excommunication of the Earle of Seafort.*

**T**HE Generall Assembly having taken to their serious consideration, that perfidious Band made and contrived lately in the North, under the name of An humble Remonstrance, against our Nationall Covenant, and the League and Covenant of the three Kingdoms; Which tendeth to the making of division and fomenting of Jealousies within this and between both Kingdoms, to the prolonging of these unnaturall Warrs, to the impeding of the intended Uniformity in Religion, and to the subversion of all the happie ends of our covenants: And finding that George Earle of Seafort hes not only most perfidiously himself subscribed the said wicked Band, contrary to his solemn Oaths in the Covenants aforesaid, and most arrogantly owned the same under his owne hand writing in his letters to the Committee of Estates, and to the Commissioners of the preceding Assemblie: But also hes seduced and threatned others to subscribe that divisive Band, and to joyne with him in prosecution of his treacherous and wicked designes, therein masked with the pretenees of religion and libertie; boasting also the pursuance of that his Remonstrance against all deadly the opposers thereof, whether King or Parliament. And having also considered another wicked and treacherous Band of Union which the said Earle formerly entred into with that excommunicate Rebelle James Grahame, after the sentence of forfeiture, and the dreadfull sentence of excommunication were pronouned against him, Obliging himself therein under solemn Oaths to joyne with that forfaitured Rebelle against this Kirk and Kingdome, and to oppose all their publike resolutions for pursuance of the happie ends of our said Covenants. All which, with his vile reproachfull aspersions and most false calumnies against this Kirk and State, and their publike and lawfull endeavours and resolutions, with his other wicked and perfidious practises at length discovered in the Proclamation of the Committee of Estates, and the Declaration of the Commission of the Assembly against the said perfidious Band and Remonstrance, being gravely pondered and considered; Together with his base treachery to the Estates, being intrusted by them with ample Commission, and encouraged and enabled for discharging thereof, with Mony Ammunition and Arms in a good measure: Notwithstanding whereof contrary to that great trust reposed in him, It is notor that not only he did not joyne with the Forces raised for the defence of this Kingdome, But rather on the contrary, actually joyning himself and his Forces with that excommunicate Rebel James Grahame, and these unnatural bloody Rebels his followers, did beleager Jnnernes, a Towne Garrisoned by the Estates for the Defence of that part of the Country. And the Assembly having also found that fair means have been used for reclaiming of the said



Earle from that wicked and perfidious course, by publike Declarations and Proclamations, and particular Letters sent to himself from those that had power in that behalf, And that notwithstanding thereof and of Summonds direct against him to answer to the premisses, often called, he doth not appear, but still remains obstinate in his wicked courses; And after mature deliberation having found his frequent fearfull and grosse perjuries, his perfidious and wicked conspiracies by Band and Oath, with the publike Enemies of this Kirk and Kingdom, and his other treacherous and wicked practices so contemptuously and pertinaciously persisted into, To be haynous offences against God, and high contempt of all Ecclesiastical and Civil authority, Therefore the Assembly moved with the Zeal of God, do without a contrary voice Decerne and Ordain the said George Earle of Seafort to be summarily excommunicate, and declared to be one whom Christ commandeth to be holden by all and every one of the Faithfull as an Ethnik and Publicane, and appoints the sentence of excommunication to be prononced by Master Robert Blair Moderator in the east Kirk of this Citie, upon the next Lords day, being the 14 of this Moneth; And that thereafter publike intimation be made thereof upon a Sabbath day before noone in all the Kirks of this Kingdom so soon as advertisement shall come unto them.

*Enormities and Corruptions observed to be in the Ministry, with the Remedies thereof.*

ENORMITIES.

THE first and main sin, reaching both to our personall carriage and callings, we judge to be, Not studying how to keep Communion and Fellowship with God in Christ, but walking in a naturall way, without imploying of Christ, or drawing vertue from him, to inable us unto sanctification, and Preaching in spirit and power.

In our Lives.

1. Much fruitlesse conversing in companie, and complying with the sins of all sorts, not behaving our selves as becomes the men of God.

2. Great worldlinesse is to be found amongst us, minding and speaking most about things of this life, being busied about many things, but forgetting the main.

3. Slighting of Gods worship in their families, and therefore no cordiall urging of it upon others: yea, altogether a wanting of it in some, if it be credible.

4. Want of gravity in carriage and apparell, dissolutenesse in haire, and shaking about the knees, lightnesse in the apparrell of their wives and children.

5. Tippling and bearing companie in untimous drinking in Tavernes and Ale-houses, or any where else, whereby the Ministerie is made vile and contemptible.

6. Discountenancing of the godly; speaking ill of them, because of some that are unanswerable to their profession.

7. The Sabbath not sanctified after Sermons, which maketh people think that the Sabbath is ended with the Sermon.

8. There are also to be found amongst us, who use small and minced oaths.

9. Some so great strangers to Scripture, that except in their publike Ministerie, though they read many things, yet they are little conversant in the

Scripture, and in meditation thereof: A dutie incumbent to all the people of God.

In our Callings.

1. Corrupt entry into the Ministrie in former times, and following the course of defection, though forsaken, yet never seriously repented: as also present entring into the Ministry, as to a way of living in the world, and not as to a spiritual calling.

2. Helping in, and holding in of insufficient and suspected men, who favour the things of this life, and keeping the door straiter on them whom God hath sealed, then upon these who have lesse evidence of the power of grace and holinesse.

3. Partiality in favouring, and speaking for the scandalous, whether Ministers or other persons, teaching them how to shift and delay censures.

4. Silence in the publike cause, not labouring to cure the disaffection of people, not urging them to constancie and patience in bearing of publike burdens, nor to forwardnesse in the publike Cause; whereby Malignants are multiplied; yea some are so grosse herein, that even in publike Fasts little or nothing is to be heard from them sounding this way.

5. Some account it a point of wisdome to speak ambiguously: some incline to justifie the wicked cause, uttering words which savour of disaffection: and all their complaining of the times, is in such a way as may steal the hearts of people from liking of good Instruments in this work, and consequently from Gods Cause: yea, some reading publike Orders, are ready to speak against them in their private conference.

6. Idlenesse, either in seldome Preaching, as once on the Lords day, or in preparation for publike duties, not being given to reading and meditation: others have but fits of paines, not like other Tradesmen continually at their work.

7. Want of zeal, and love to the conversion of souls, not being weighted with the want of successe in reclaiming of sinners, nor searching in themselves the cause of not profiting, preaching *ex officio*, not *ex conscientia officii*.

8. Self-seeking in preaching, and a venting rather of their wit and skill, than a shewing forth of the wisdome and power of God.

9. Lifelesnesse in preaching, not studying to be furnished by Christ with power; and so the ordinance of God reacheth not to the conscience: and heereto belongeth the not applying of the doctrine unto the auditory and times.

10. The indiscreet curing of the indiscretion of pious people and Ministers, whereby godlinesse hath gotten a deep wound, and profanitie hath lifted up the head, contrary to that wise and gracious order set forth in the Generall Assembly holden at Edinburgh, 1641.

11. Little care to furnish our Armie, either abroad or at home with Ministers; One of our grievous sins, and causes of our calamity.

12. Last, it is to be feared that Ministers in secret are negligent to wrestle in Prayer, for a blessing to be poured out upon their labours, contenting themselves with their publike performances.

REMEDIES.

1. First, That Presbyteries make great conscience to have all vacant places within their several bounds filled with godly and able men, where-ever they be to be found: and that under pretence of being a helper, or second to another, none be taken in, but such as are able for the same charge.

2. Whereas it is known, that private tryall in Presbyteries are for the most part perfunctorious,



the Brethren are hereby exhorted to be more serious, and faithfull heerein, as they will be answerable to Christ, the Chief Shepherd: and in a way previous thereto, that Brethren be free, in loving admonition one of another secretly, from time to time; and that whosoever keeps not the Presbyterie or Synod, after grave admonitions may come under further censures.

3. That accuracie be used at visitation of Kirks, and that the Elders one by one (the rest being removed) be called in, and examined upon oath upon the Ministers behaviour in his calling and conversation.

4. That course be taken to divide Congregations in parts, and by the help not only of Elders in their several parts, but of neighbors also, the evils, and neglects of persons and families, may be found out and remedied.

5. That every Minister be humbled for his former failings, and make his peace with God, that the more effectually he may preach repentance, and may stand in the gap, to turne away the Lords wrath: runing between the Porch and the Altar, sighing and crying for all the abominations of the land.

6. Speciall care would be had, that all Ministers have their conversation in heaven, mainly minding the things of God, and exercising faith for drawing life out of Jesus Christ the fountain of life, arming themselves thereby with power against the contagion and wickednesse of the world.

7. Care would be had of godly conference in Presbyteries, even in time of their refreshment, and the Moderator is to look to it, that good matter be furnished thereto.

8. It is also very necessary for every Minister that would be fruitfull in the work of the Lord, to bring home the Word of God to his own heart and conscience, by Prayer and Meditation, both before and after the publike ordinance.

9. Use would be made of the roll of the Parish, not onely for examination, but also for considering the several conditions and dispositions of the people, that accordingly they may be admonished, and particularly prayed for by the Ministers in secret.

10. It is very expedient that Ministers have more communion among themselves for their mutuall stirring up, and strengthening of their hands in the Lords work, and rectifying of these who are not incorrigible.

11. That Ministers in all sorts of companie labour to bee fruitfull, as the Salt of the earth, seasoning them they meet with, not only forbearing to drink healths (Satans snare, leading to excesse) but reproving it in others.

12. All Ministers would be carefull to cherish the smoaking flax of weak beginnings in the wayes of God, and ought courageously to oppose all mockers and revilers of the godly.

13. As at all times, so specially now when the Lord is calling us all to an account; it becomes the Ministers of Christ, with all diligence and faithfulness, to improve their Ministerie to the utmost, to be instant in season and out of season; yea, even frugally to imploy their time in private, in reading of, and meditating on Scripture, that the Word of God may dwell plentifully in them.

14. That the providing the Armies with Ministers be preferred to any congregation, and these who are appointed to attend the same, and are deficient, be without delay severallie censured according to the Act of the Generall Assembly; And that all Ministers not only in publike, pray for our Armies, specially these that are to encounter

with the bloody enimie within the land, but also continually bear them up before the Lord, that their lives being reformed, their hearts and hands may be strengthened, and their undertaking at last blessed of GOD with successe.

15. That beside all other scandals, silence or ambiguous speaking in the publike cause, much more detracting and disaffected speeches be seasonablie censured: and to this effect, all honest hearted Brethren would firmlie unite themselves in the Lord, the younger honouring the elder, and the elder not despising the younger.

16. And finallie, both for the corruption of the Ministerie and remedies thereof, we refer the brethren to the Act of the Generall Assemblie at Edinburgh, 1596, revived in the late Assemblie at Glasgow, 1638, to bee found in the printed Act concerning the same.

The Generall Assembly Ordains the Enormities above specified to betried and restrained, and that the Remedies thereof for that purpose be seriously observed and practised: Recommending especially to Presbyteries and Provinciall Assemblies, that use be made of the same in visitation of Kirks and tryall of Presbyteries.

*Approbation of the proceedings of the preceding Assembly.*

THE Generall Assembly having heard the report of the Committee appointed to consider and examine the proceedings of the Commissioners of the late Generall Assembly holden at Edinburgh in the yeer 1646. And after serious consideration thereof, finding that the whole Acts, Proceedings, and Conclusions of the saids Commissioners, contained in the Register subscribed by M. Andrew Ker their Clerk, and by M. Robert Ramsay Moderator to the said Committee, do declare much Wisdom, Diligence, Vigilancie, and commendable Zeal; And that the said Commissioners have orderly and formally proceeded in everything, according to their Commission: Do therefore ratifie and approve the said whole Acts, Proceedings, and Conclusions of the Commissioners of the said Assembly.

15 Junii, 1646. Post Meridiem. Sess. XI.

*Act for joyning of the Presbyteries in Orkney and Zetland to the Provincial of Cathnes.*

THE Generall Assembly, considering that the Presbyterie of Kirkwall in Orkney and the Presbyterie of Scalloway in Zetland have never met in any Provincial Assembly, wherethrough great abuses and disorders are there committed, Therefore the Assembly hereby joyns the said two Presbyteries to the Provincial of Cathnes and Sutherland, And Appoints all the Ministers and Elders of the said Presbyteries hereafter, to meet at the said Provinciall Assembly, and to have place to reason and vote therein as members of the said Provinciall. And, sicklike ordains the saids two Presbyteries to be of subordinate Jurisdiction to the said Provinciall Assembly; Declaring hereby, that the said Provinciall shall consist of the Presbyteries of Cathnes, Sutherland, Orkney, and Zetland in all time coming. And appoints them to meet ouely once in the yeer, in respect of their great distance and interjection of seas; And that the first meeting be at Thurso in Cathnes upon the third Tuesday of August next, and thereafter as shall be appointed by the said Provinciall Assembly.



17 Junii, 1646. Post Meridiem. Sess. XIII.

*Act concerning Expectants Preaching in publike.*

THE Generall Assembly discharges any person to preach in publike under the name and notion of an Expectant, or under any other pretence whatsoever, except such as shall be tryed and found qualified according to the Acts of the Generall Assembly; Recommending to Presbyteries and Provincials to take special notice thereof, and to censure the transgressors accordingly.

*Act for censuring the compliers with the publike enemies of this Kirk and Kingdom.*

THE Generall Assembly taking to their serious consideration the great and scandalous provocation and grievous defection from the publike Cause, which some have beene guiltie of, by complying with the Rebels the publike enemies of this Kirk and Kingdom: And judging it a dutie incumbent to them to bring such notorious offenders to publike satisfaction, that the wrath of God may be averted, and the publike scandall removed; Do therefore Require, Deeern, and Ordain, that such as after lawfull tryall shall be found to have been in actuall Rebellion and to have carried charge with the Rebels, To have accepted Commissions for raising Horse or Foot unto them, To have been seducers of others to joyn in that Rebellion, To be the Penners or contrivers of James Grahames Proclamation for indicting a pretended Parliament, or of any other his Proclamations or Declarations, To have beene prime Instruments in causing publish the said Proclamations and Declarations; That all and every one of such offenders shall humbly acknowledge their offence upon their knees, first before the Presbyterie, and thereafter before the Congregation upon a Sabbath, in some place before the Pulpit; And in the mean time that they be suspended from the Lords Supper: And in case they do not satisfie in manner foresaid, that they be proeessed with Excommunication. And likewise Ordains, that such as shall be found to have proeured Protections from the Rebels, To have execute their orders, To have invited them to their houses, To have given them intelligence, To have drank James Grahames health, or to be guilty of any other such grosse degrees of complianee, shall acknowledge their offences publicly before the Congregation, and be suspended from the Communion ay and while they doe the same. And further Deeernes and Ordains, that all persons in any Ecclesiastick office guilty of any degrees of complianee before mentioned, shall be suspended from their office and all exercise thereof, for such time as the quality of the offence and condition of the offenders shall be found to deserve; And the Assembly hereby declares, that Presbyteries have a latitude and liberty to agreadge the censures above specified, according to the degrees and circumstances of the offences; And gives in like manner the same latitude and liberty to the Commissioners of this Assembly for publike affairs, who have also power to try and censure the offenders in manner above exprest, and to take account of the diligence of Presbyteries thereintill.

*Act concerning Iames Grahams Proclamation.*

THE Generall Assembly having considered a copie of a Proclamation published by order of that

excommunicat Traitor James Graham, for indicting of a pretended Parliament, and finding the same to be full of blasphemies against the Solemn League and Covenant of the three Kingdoms, and of vile aspersions of Treason, Rebellion, and Sedition, most falsly and impudently imputed to the Estates, and most faithfull and loyall Subjects of this Kingdome: Doe therefore declare, That such as have bin prime Instruments of the publishing of that or the like Proclamation and Declaration, deserve the highest censures of the Kirk, unlesse they make humble confession of their offence publicly, in such manner as is prescribed by this Assembly; And humbly Recommends to the Committee of Estates to take some course for their exemplary civill punishment, and that some publike note of ignominie be put upon that Proclamation as their Honors shall think meet.

18 Junii, 1646. Ante Meridiem. Sess. Ult.

*Act against loosing of Ships and Barks upon the Lords Day.*

THE Generall Assembly understanding how much the Lords day is profaned by Skippers and other Seafaring men, Do therefore discharge and inhibite all Skippers and Sailers to begin any voyage on the Lords day, or to loose any Ships, Barks or Boats out of Harbery or Road upon that day, And who shall doe in the contrary hercof, shall be censured as profaners of the Sabbath: Recommending to Presbyteries and others whom it may concerne to see both the Acts of Assembly and Parliament made for censuring and punishing profanation of the Lords day, to be put in execution against them.

*Act anent Children sent without the Kingdom.*

WHEREAS divers Children have been sent without the Kingdom to be bred abroad, and have been or in time coming may be exposed to the temptations of seducers, and drawn away from the Trueth established and professed within this Church to errour of Poperie, or other Seets and Heresies: Therefore the Assembly Ordains, that the Parents or Friends of Children and Minors, shall before they send them without the Kingdom, first acquaint the Presbytery where they reside, that they may have their Testimoniall directed to the Presbytery or Classe within the Kingdom of France, or England, or Ireland; and at the time of these Childrens return from any of the saids Kingdoms, to report aue Testimoniall from the Presbytery or Synode where they lived without the Kingdom of their breeding there, and to shew the same to the Presbytery within the Kingdom who gave them a Testimoniall at their way going. Likeas the Assembly Ordains all Presbyteries to try if any Children have been sent to Popish Schooles or Colledges without the Kingdom; And if any be found, that their names be given to the Presbytery or Commissioners of the Assembly, that the same may be presented to the Honourable Lords of Secret Counceill, or Committee of Estates, that their Lordships may be humbly desired by their authority to recall them, that after return to this Kingdom a course may be taken, according to the former Ordinanees of Generall Assemblies, for their breeding in the true Religion.

*Overtures presented to the Assembly.*

I. THAT correspondence be kept among Presbyteries constantly by letter without pre-



judice of personall correspondence when need requires, whereby one Presbyterie may understand what many are doing, and they may be mutually assisting each to other.

II. That for the better breeding of young men to the Ministerie who are not able to furnish themselves in charges to attend in the Universities, that the Presbyteries where they reside appoint some to direct their studies.

III. That it be recommended to all the Universities to condescend upon the best Overtures for the most profitable teaching of Grammar and Philosophy, and as they may meet at the Commission of the Generall Assembly to make the matter ripe for the next Assembly.

The Assembly approves these Overtures, and recommends accordingly.

IV. That to the intent the knowledge of God in Christ may be spread through the Highlands and Islands (for in lack whereof the land hath smarted in the late troubles) these courses be taken: 1. Let an order be procured, that all Gentlemen who are able, at least send their eldest sons to be bred in the Inland. 2. That a Ministerie be planted amongst them, and for that effect that Ministers and expectants who can speak the Irish language be sent to imploy their talents in these parts, and that the Kirks there be provided as other Kirks in this Kingdome. 3. That Scots Schools be erected in all Parishes there, according to the Act of Parliament, where conveniently they can be had. 4. That Ministers and ruling Elders that have the Irish language be appointed to visit these parts.

The Assembly approves this Overture, and recommends this purpose to further consideration, that more Overtures may be prepared thereanent against the next Assembly.

V. That for keeping the Universities pure, and provoking the Professors of Divinitie to greater diligence, each Professor in the Universities of this Church and Kingdom, bring with him or send with the Commissioner who comes to the General Assembly, ane perfit and well written copie of his Dictates, to be revised by the Generall Assembly, or such as they shall appoint for that work ilk year.

The Assembly continues the determination of a constant and perpetuall order herein untill the next Assembly, but in the mean time desires the professors of Divinity to present to the next Assembly their Dictates of Divinity, wherof the professors present are to give intimation to the professors absent.

VI. The great burdens Intrants undergocs when they enter the Ministry, which holds many of them long at under, would crave the Assemblies judgement and authority, that Ministers Manes and Stipends may be all made free to the Intrans.

The Assembly refers and recommends to the Commissioners for publike affairs to seek redresse in this matter from the Honorable Estates of Parliament, and to consider of some fitting Overtures to be presented to their Honours for that effect.

*Renovation of the Commission for the publike affairs of the Kirk.*

THE Generall Assembly taking to their consideration that in respect the great work of Uniformity in Religion in all his Majesties Dominions is not yet perfited, (though by the Lords blessing there is a good progresse made in the same) there is a necessity of renewing the Commissions granted

formerly for prosecuting and perfiting that great work; Doe therefore renew the power and Commission granted for the publike affairs of the Kirk by the Generall Assemblies held in S. Andrews in the year 1642, and in Edinburgh 1643, 1644, and 1645, unto the persons following, viz. Masters Alexander Henderson, Robert Douglas, William Colvil, William Bennet, George Gillespie, John Oswald, John Adamson, William Dalgleish, David Calderwood, James Fleeming, Robert Ker, John Dalvell, James Wright, John Knox, Adam Penman, Robert Lichtoun, Alexander Dickeson, Patrick Fleeming, John Hay, Richard Dickeson, Thomas Vasse, David Drummond, Alexander Somervill, Robert Eliot, Robert Blair, James Brucc, Robert Traile, Samuel Rutherford, Alexander Colvill, Walter Greg, Alexander Balfour, George Thomson, John Moncreiff, John Smith, Patrick Gillespie, John Duncan, James Sibbald, Alexander Casse, John Hume, Alexander Kinneir, Walter Swintoun, Robert Knox, William Penman, James Guthrie, Thomas Donaldson, William Jameson, Thomas Wilkie, John Knox, Robert Murray, John Freebairn, Robert Wright, David Auchterlonie, William Maior, Samuel Austein, John Leirmont, Andrew Lauder, James Irving, Alexander Turnbull, James Bonar, William Adair, John Neve, Patrick Colvil, Matthew Birsbane, John Hamiltoun, Allan Ferguson, Robert Ramsay, Geo. Young, David Dickson, Robert Bailie, James Nasmith, John Lindsay, John Weir, Evan Cameron, James Affleck, John Robison, Andrew Eliot, Silvester Lambie, Laurence Skinner, William Rate, David Campbel, Andrew Cant, William Douglas, David Lindsay, Gilbert Anderson, Alexander Garrioch, William Jaffray, Thomas Law, William Campbell, Walter Stewart, *Ministers*; And Archibald Marquess of Argyre, John Earle of Crawford-Lindsay, William Earle Marshall, William Earl of Glencairn, John Earle of Cassils, Charles Earle of Dumfermling, James Earle of Tullibardine, Francis Earle of Bacleugh, John Earle of Lauderdale, William Earle of Lothian, William Earle of Lanerk, Archibald Lord Angus, John Lord Balmerino, Robert Lord Burleigh, John Master of Yester, Sir Patrick Hepburn of Waughtoun, Sir John Hope of Craighall, Sir Archibald Johnston of Wariston, Sir David Hume of Wedderburn, Sir Robert Jones of that ilk, Sir William Bailly of Lamington, Sir John Munreiffe of that ilk, James Macdougall of Garthland, Patrick Cockburn of Clarkington, Sir Hugh Campbel of Cesnock, Sir William Cunningham of Cunningham-head, John Hume of Blackader, Sir James Dundas of Arniston, Alex. Forbes Tutor of Pitsligo, M. Geo. Winram of Libberton, David Weemes of Fingask, M. Francis Hay of Balhousie, Alex. Brodie of that ilk, M. Alex. Colvil of Blair, Geo. Dundas of Dudiston, William Moor of Glanderston, Sir James Nicolson of Colbrandspaith, John Edgar of Wedderlie, William Hume of Lenthill, James Ruehhead, Laurence Henderson, and James Stuart, Bailies of Edinburgh, George Porterfield Provost of Glasgow, Wil. Hume there, Ro. Arnot Provost of Perth, John Semple Provost of Dumbarton, John Kennedie Provost of Air, M. David Weemes, Geo. Gardine, John Johnstoun, Tho. Paterson, Tho. White, John Sleigh, *Elders*. Giving unto them full power and Commission To do all and every thing for prosecuting, advancing, perfecting, and bringing the said work of Uniformity in Religion in all His Majesties Dominions to a happy conclusion, conform to the former Commissions granted by preceding Assemblies thereanent. And to that effect appoints them, or any seventeen of them, whereof thirteen shall be



Ministers, To meet at Edinburgh the 19 of this Moneth, and thereafter upon the second Wednesdaies of August, November, Februar, and May next to come, and upon any other day, and in any other place they shall think meet. And further, renews to the persons before named, the power contained in the Act of the said Assembly 1643, Intituled, A reference to the Commission anent the persons designed to repair to the Kingdom of England; As also the power contained in two severall Acts of the said Assembly 1644, Sess. 6. made against secret disaffectors of the Covenant and for sending Ministers to the Armie, with full power to them to treat and determine in the matters aforesaid, and in all other matters referred unto them by this Assembly, as fully and freely as if the same were here particularly expressed, and with as ample power as any Commission of former Generall Assemblies hath had, or been in use of before; They being alwayes for their whole proceedings comptable to, and censurable by the next Generall Assembly.

*Renovation of the Commission for prosecuting the Treaty for Uniformity in England.*

THE Generall Assembly, Taking to their consideration that the Treatie of Uniformity in Religion in all His Majesties Dominions is not yet perfected, Therefore Renews the power and Commission granted by preceeding Assemblies for prosecuting that Treatie, unto these persons afternamed, viz. M. Alexander Henderson, M. Robert Douglas, M. Samuel Rutherford, M. Robert Bailie, M. Geo. Gillespie, *Ministers*; And John Earle of Lauderdale, John Lord Balmerino, and Sir Archibald Johuston of Wariston, *Elders*; Authorizing them with full power to prosecute the said Treatie of Uniformity with the Honourable Houses of the Parliament of England, and the Reverend Assembly of Divines there, or any Committees appointed by them: And to do all and every thing which may advance, perfect, and bring that Treatie to an happy conclusion, conform to the former Commissions given thereanent.

*The Assemblies Answer to the Kings Majestie.*

MAY IT PLEASE YOUR MAJESTIE,  
HAVING received your Majesties Letter with thankfulness, we thought it our dutie to send some of our number to wait upon your Majestie, and present our humble desires more particularly then at this time could be expressed by writ; And we are confident your Majestie will interpret our freedom and plain dealing by them, to be a reall testimonie of our unfained affection, who have constantly laboured to approve our selves in all fidelity to our Lord and Master Josus Christ, and in all loyaltie to your Majestie; And are resolved to walk still after the same rule in our severall stations and vocations, continuing our Prayers for you, that God may multiply all sorts of Mercies upon your Royall Person and Posterity, and more and more incline your heart to the speedie following of the Counsels of Trueth and Peace, and grant unto your Majestie a long and happy Reign, that we may live under you a peaceable and quiet life, in all godlinesse and honesty.

*Subscribed in name of the Nationall Assembly of the Kirk of Scotland by the Moderator.*

Edinburgh, 18 Junii, 1646.

*The Assemblies Letter to the Right Honorable the Lords and Commons in the Parliament of England assembled at Westminster.*

RIGHT HONOURABLE,

THE report of the great things which the Lord hath done for your Honours, hath gone forth into many Lands, and it becometh us least of any either to smother or extenuate the same; We desire to be enlarged in the admiration of the Power and Mercie of God the Author, and to diminish nothing of that praise that is due unto you as instruments. When the Lord set your Honours upon the Bench of Judgment, both the Kirk and Common wealth of England were afflicted with intestine and bosome ovills, the cure whereof could not but be very difficult, because they were not only many, but for the most part Universal and deeply rooted, sheltred under the shadow of Custome and Law, and supported with all the wisdom and strength of the Malignant and Prelaticall partie; who rather chose to involve the Land in an unnaturall and bloody Warre, then to fail of their ambitious and treacherous designes, against Religion, the privileges of Parliament, and the Lawes and Liberties of the Kingdom: Neither hath that miserable crew been wanting to their owne ends, but for many years together hath desperately pursued their resolutions in Arms; And was likely to have prevailed, if the Lord had not put himself in the breach, and furnished you with much Patience, Wisdom, Courage, and Constancy, in the midst of many difficulties and distresses; and at last with so glorious and triumphing a successe, that the Enemy hath fallen every where before you, and there is none left to appear against you. These things as they be the matter of our refreshment and of your glory, so doe they lay a strong obligation upon your Honours to walke humbly with your God, and to improve the power he hath put into your hands for the advancement of the Kingdom of his Son, and bringing forth of the head-Stone of his House. The slow progresse of the work of God hath alwayes been the matter of our sorrow, which is now increased by the multiplication of the spirits of errour and delusion, that drowne many souls into perdition, and so strengthen themselves, that they shall afterward be laboured against with more pains then successe, if a speedy and effectual remedie be not provided. And therefore as the servants of the living God, who not onely send up our supplications daily for you, but have hazard our selves in your defence, We do earnestly beseech your Honors in the bowels of Jesus Christ, to give unto him the glory that is due unto his Name, by a timous establishing all his Ordinances in the full integritie and power thereof, according to the League and Covenant. As long as the Assembly of Divines was in debate, and an enemy in the fields, we conceived that these might be probable grounds of delay, which being now removed out of the way, we do promise to our selves from your Wisdom, Faithfulness, and Zeale, the perfiting of that which was the main ground of our engagement, and a chief matter of consolation unto us in all our sad and heavy sufferings, from the hand of a most cruell Enemy. We know that there is a generation of men who retard the work of Uniformity, and foment Jealousies betwixt the Nations, studying if it were possible, to break our bands asunder; But we trust, that he that sits in the Heavens will Laugh, and that the Lord shall have them in derision, that he shall speak to them in his wrath and vex them in his sore displeasure, and



notwithstanding of all that they can do, set his King upon his holy hill of Sion, and make these Nations happy in the sweet fruits of Unity in Truth and Peace. The searcher of hearts knows that we desire to hold fast the band of our Coveuant, as sacred and inviolable; being perswaded that the breach of so solemne a tye could not but hasten down upon our heads a curse and vengeance from the righteous Judge of the world, and involve these Kingdoms in sader calamities than they have yet seen; And we abhor to entertain any other thought of you: Nay we are confident that your Honours will seriously indeavour the prosecution of all these ends designed in the Coveuant, and the bringing these Nations unto the neerest conjunction both in judgement and affection, especially in these thiugs that concern Religion, which without all controversie, is the readiest and surest way of attaining and securing the Peace and Prosperity of both Kingdoms.

*Subscribed in name of the Generall Assembly by the Moderator.*

Edinburgh, 18 Junii, 1646.

*The Assemblies Letter to the Right Honorable the Lord Major, Aldermen, and Common-Counsell of the City of London.*

**Y**OUR late and seasonable testimony given to the Truth of the Gospel, and your affection to the Peace of the Kingdoms, manifested in your humble Remonstrance and Petition to the Honorable Houses of Parliament, hath so revived the remembrance of your former Faith and Zeal, and proclaimed you the worthy seed of so noble ancestors in that famous City, As we cannot but acknowledge with all thankfulness the grace of God bestowed on you, and stirre you up to take notice, how since you were precious in the Lords sight, you have been ever Honourable, The Lord hath loved you, given men for you, and people for your life: What an honour was it in the dayes of old, when the fire of the Lord was in Zion, and his furnace in your Jerusalem (even in Queen Maries dayes) that there were found in you men that loved not their lives unto the death? What a glory in after times, when Satan had his Throne and Antichrist his seat in the midst of you, that there were still found not a few that kept their Garments clean? But the greatest praise of the good hand of God upon you hath been in this, That amidst the many mists of Errour and Heresie which have risen from the bottomlesse pit, to be-spot the face and darken the glory of the Church, (while the bride is a making ready for the Lamb) you have held the Trueth, and most piously endeavoured the settling of Christ upon his Throne. We need not remember how zealous you have been in the Cause of God, nor how you have laid out your selves and estates in the maintenance thereof, nor how many acknowledgements of the same you have had from the Honourable Houses, nor how precious a remembrance will be had of you in after ages for your selling of all to buy the Pearl of price: We only at this time do admire, and in the inward of our hearts do blesse the Lord for your right and deep apprehensions of the great and important matters of Christ in his Royall Crown, and of the Kingdoms in their Union, while the Lord maketh offers to bring our Ship (so much afflicted and tossed with tempest) to the safe Harbour of Trueth and Peace. Right memorable is your Zeal against Sects and Sectaries; your care of Reformation, according to the word of God, and the example of the best Reformed Churches; your

earnest endeavours and noble adventures, for preserving of the rights and priviledges of Parliament, and Liberties of the Kingdoms, Together with his Majesties just power and greatnesse; and your high profession, that it is not in the power of any humane authority to discharge or absolve you from adhearing unto that our (so solemnly sworn) League and Coveuant, or to enforce upon you any sense contrary to the letter of the same; Besides your other good services doue unto the Lord and to us, in the strengthening of the hands of the reverend Assembly of Divines, and of our Commissioners in their asserting of the government of Christ (which the more it be tried will be ever found the more precious Truth) and vindicating of the same from the usurpation of man, and contempt of the wicked. These all as they are so many testimonies of your Pietie, Loyaltie, and undaunted resolution to stand for Christ; So are they and shall ever be so many obligations upon us your Brethren, to esteem highly of you in the Lord, to bear you on our breasts before him night and day, and to contribute our best endeavours, and to improve all opportunities for your encouragement. And now we beseech you in the Lord, Honorable and welbeloved, go on in this your strength, and in the power of his might who hath honoured you to be faithfull, stand fast in that liberty wherewith Christ hath made you free; And in the pursuance of this truth, we are confident, as you have so you will never cease to study the Peace and neerer conjunction of the Kingdoms, knowing that a threefold cord is not easily broken. Now the Lord Jesus Christ himself, and God even our Father, which hath loved and honoured you, and given you everlasting consolation, and good help through grace, comfort your hearts, and stablish you in every good word and work.

*Subscribed in name of the Generall Assembly by the Moderator.*

Edinburgh, 18 Junii, 1646.

*The Assemblies Letter to the right Reverend the Assembly of Divines in the Kirk of England assembled at Westminster.*

MUCH HONOURED AND RIGHT REVEREND,

**A**MONGST other fruits of this our precious liberty, after such dissipation by Sword and Pestilence, to meet again, we account it not the least to have the opportunity of making a publike Declaration of our earnest affection to all our brethren of that Nation, and especially your selves of the Reverend Assembly at Westminster. When we were lately in a very low condition, we may say that our own sufferings and fears, although im-bittered with the sense of the Lords displeasure against our lukewarmnesse and unfaithfulness; yet they did not so take up our heart, but that room was left to congratulate with the Lords people there in all their successes, and to condole with them in all their dangers; And if at any time any here seemed to be more jealous then godly jealousy would allow, we know not how it can be imputed to any thing else, but to the vehemencie of ardent affection, and impatient desire to have our brethren there and us joyned neerer to Christ, and neerer to one another in all his Ordinances; and especially in Presbyterianial Government, so well warranted by the Word, and approved by experience of our owne and other reformed Churches; Wherein your long and unwearied endeavours have been blessed with a large increase, which yet hath proved still a seed unto a further and more glorious expected harvest. There



could not be wished by mortall men a fairer opportunity than is cast in your laps; being invited and charged by so high an authority, to give so free and publike a testimony to those truths, which formerly many of the Lords precious ones by tongue and pen, by tears and blood have more privately asserted; The smallest of Christs truths (if it be lawfull to call any of them small) is of greater mōment, then all the other businesses that ever have been debated since the beginning of the world to this day; But the highest of honours and heaviest of burdens is put upon you, to declare out of the sacred records of Divine Truth, what is the prerogative of the Crown and extent of the Scepter of Jesus Christ, what bounds are to be set between Him ruling in his House, and powers established by God on Earth, how and by whom his House is to be governed, and by what wayes a restraint is to be put on these who would pervert his Truth, and subvert the faith of many. No doubt mountains of oppositions arise, and goolfs of difficulties open up themselves in this your way; But you have found it is God that girdeth you with strength and maketh your way perfect and plain before you, who hath delivered, and doth deliver, and will yet deliver. We need not put you in minde that as there lyeth at this time a strict tye on all, so in a speciall manner both you and we are engaged to interpose our selves between God and these Kingdomes, between the two Nations, between the King and the People, for averting of deserved wrath, for continuing and increasing of a well grounded Union, for procuring as far as in us lyeth a right settling of Religion and Church-Government; That when we shall sleep with our fathers, the Posterity here and abroad may be reaping the fruits of our labours.

We are fully assured of your constant and sedulous promoving of this blessed Work, and of the Lords assisting and carrying you on therein: And are confident that your late experience and present sense of the great danger and fearfull confusion flowing from the rise and growth and Sects and Sectaries not suppressed, hath stirred up in your hearts most fervent desires, and carefull endeavours for remedying the same, wherein we exhort you to continue and abound; knowing that your labours shall not be in vain in the Lord, to whose rich grace we commend you, and the work in your hands.

*Subscribed in name of the Generall Assembly by the Moderator.*

Edinburgh, 18 Junii, 1646.

*Recommendation to Presbyteries and Provincieall Assemblies.*

1. **T**HE Assembly recommends to severall Presbyteries and Provincieall Assemblies, to consider the interests of particular congregations, in the calling and admission of Ministers, with all these questions that usually fall out upon that occasion; And to report their opinions to the next Assembly, with some fit Overtures for preventing all contests in that matter.

2. The Assembly recommends to Presbyteries and Provincieall Assemblies to consider all the matters referred by preceding Assemblies to the consideration of Presbyteries, And to report their opinions therein to the next Assembly.

*Act for a publike Fast before the next Assembly.*

**T**HE Assembly having considered an Act of the Assembly 1644, Sess. Ult. enjoying a publike Fast to be kept in all the Kirks of the City

where the General Assembly holds upon the first day of the meeting of the Assembly; And finding some inconveniencies therein, Therefore at this time untill the matter be further considered, Appoints a publike Fast and Humiliation for the Lords blessing to the meeting of the next Assembly, to be universally observed in all the congregations of this Kirk upon the Sabbath next except one preceding the said next Assembly; The exercises for the members of the Assembly at their first meeting, Being still observed according to the ancient and laudable practise of this Kirk, This appointment notwithstanding.

**T**HE Assembly appoints the meeting of the next Generall Assembly to be at Edinburgh upon the first Wednesday of August 1647.

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93.—Recom. to Presb. to put in execution the former Acts concerning Bursars, and to make account of their diligence to the next Assem. *Ib.*

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100.—Committee to urge an answer to the desires of the Assem. concerning the election of the Magistrates of Aberdeen. *Ib.*

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115.—Report of the Committee concerning the Kirk of Glenluce, and the Assem. approbation thereof. *Ib.*

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117.—Declaration concerning an Act in the Provinciall Book of Aberdeen, touching M. Nathaniel Martin. *Sess. ult.*

118.—Recom. of the vaking stipends of Aberdeen, in favours of M. Nathaniel Martin. *Ib.*

119.—Recom. concerning the mortifications by the Laird of Drum to the Commis. for visitation of the Universitie of Aberdeen. *Ib.*

120.—Act concerning the distribution of the contribution for the distressed Ministers in Argyle, M. Thomas Ireland, and M. Iohn Cunneson. *Ib.*

121.—Report of the Committee concerning the insolencies in the Borders. *Ib.*

122.—Ref. Commis. concerning the planting the Kirks of Perth. *Ib.*

123.—Ref. concerning the correspondence with the Protestants in Holland and elsewhere. *Ib.*

124.—Ref. concerning the recom. of M. Eliezer Gilbert to a Regiment. *Ib.*

125.—Recom. of M. Gawin Forsythe for maintenance, to the Presb. of Glasgow and Province of Glasgow and Air. *Ib.*

126.—Recom. of that part without the Town of Edinburgh called Bristo to Lothian and Teviotdale. *Ib.*

127.—Three Acts concerning D. Strang. *Ib.*

128.—Act ratifying M. Alex. Innes his deposition, with an Ordinance to the Presb. of Aberdeen to proceed further against him. *Ib.*

129.—Committee for presenting the Assemblies thanks to the Generall Artillery. *Ib.*

130.—Ref. to the Commis. Assem. for trying of the murther committed within the Presbyterie of Chirnside, and the Presbyteries carriage thereanent. *Ib.*

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134.—Indiction of a Fast. *Ib.*

135.—Recom. M. Dougall Daroch to the Committee of Estates and the Committee of money. *Ib.*

136.—Ref. to the Commis. of Assem. concerning the tryall of persons of quality members of the Colledge of Justice, or others who have their residence in Edinburgh for their compliance with the Rebels. *Ib.*

137.—Commission for these that are to repair to the King. *Ib.*

138.—The Assemblies Letter to M. Alexander Henderson. *Ib.*

139.—Letter to the Earle of Sutherland and other Gentlemen in the North. *Ib.*

140.—Ref. Commis. for dispensing the annuity of 500l. Sterling upon publike affairs of the Kirk. *Ib.*

141.—Act to provide for the charges and all necessities for M. David Calderwood in his publike employments; And likewise for the great pains and charges of the Clerk. *Ib.*

142.—Act concerning M. Ia. Strachan. *Ib.*

143.—Ref. to the Commission to consider of Overtures for restraining any youths to go to the Colledge of Doway or other corrupt Colledges. *Ib.*

144.—Ref. to the Commis. for presenting Overtures to the Parliament. *Ib.*

### Miscellaneous Historical Documents,

RELATIVE TO THE ECCLESIASTICAL AND POLITICAL  
EVENTS IN SCOTLAND—1646.

1. *Excerpts from Principal Baillie's Account of the Westminster Assembly, continued from page 439.*

*A Publick Letter. January 20, 1646.*

The hearts of the divines here who are wise, of the assembly, city, and elsewhere, are set only on the point of government. We are going on in the



assembly with the Confession, and could, if need were, shortly end it. We are preparing for the Catechism; but we think all is for little purpose till the government be set up. The assembly has delivered their full sense of all its parts to the parliament half a year ago. The Independent party, albeit their number in the parliament be very small, yet being prime men, active and diligent, and making it their great work to retard all till they be first secured of a toleration of their separate congregations; and the body of the lawyers, who are another strong party in the House, believing all church-government to be a part of the civil and parliamentary power, which nature and scripture has placed in them, and to be derived from them to the ministers only so far as they think expedient; a third party of worldly profane men, who are extremely affrighted to come under the yoke of ecclesiastick discipline; these three kinds making up two parts at least of the parliament, there is no hopes that ever they will settle the government according to our mind, if they were left to themselves.

The assembly has plied them with petition upon petition, the city also, both ministers and magistrates; but all in vain. They know that schisms and heresies daily increase in all the corners of the land for want of discipline; yet the most of them care for none of these things. Had our army been but one 15,000 men in England, our advice would have been followed quickly in all things; but our lameable posture at home, and our weakness here, make our desires contemptible. Had the King been of any considerable strength, fear would have made them careful to do duty; but their great success, the King's extreme weakness, and our miseries, make them follow their own natural humours, to the grief of sundry gracious men of their own number. In this case our last refuge is to God, and under him to the city. We have gotten it, thanks to God, to this point, that the mayor, aldermen, common council, and most of the considerable men, are grieved for the increase of sects and heresies, and want of government. They have, yesterday, had a publick fast for it, and renewed solemnly their covenant by oath and subscription; and this day have given in a strong petition for settling of church-government, and suppressing of all sects, without any toleration. No doubt, if they be constant, they will obtain all their desires; for all know here that the parliament cannot subsist without London: so whatsoever they desire in earnest, and constantly, it must be granted. Wherefore, albeit they gave them a baffling answer to their former petition a month ago; yet considering the address of this in all its progress, they have thanked them for it, and promised a good answer speedily. The Independents, and all sects, are wakened much upon it, and all will stir; which way we do not know yet.

Upon the city's petition for government, the House of Commons have gone on to vote a committee in every shire to cognosce on sundry ecclesiastick causes, which will spoil all our church-government. This night our subcommittee has voted so much toleration for the Independents, that if to-morrow the grand committee pass it, as it is too like to do, this church, by law, will be given over to confusion, notwithstanding all we can do to the contrary. But that which vexes us most of all, is a report that is whispered, of the King's purpose to go to our army.

*To Scotland. To Mr David Dickson. March 17, 1646.*

In the assembly we are fallen on a fashious proposition, that has kept us divers days, and will do so divers more, coming upon the article of the church and the church-notes to oppose the Erastian heresy, which in this land is very strong, especially among the lawyers, unhappy members of this parliament. We find it necessary to say, "That Christ in the New Testament had institute a church-government distinct from the civil, to be exercised by the officers of the church, without commission from the magistrate." None in the assembly has any doubt of this truth but one Colman, a professed Erastian; a man reasonably learned, but stupid and inconsiderate, half a pleasant, and of small estimation. But the lawyers in the parliament, making it their work to spoil our presbytery, not so much upon conscience, as upon fear that the presbytery spoil their market, and take up the most of the country-pleas without law, did blow up the poor man with much vanity; so he is become their champion, to bring out, in the best way he can, Erastian arguments against the proposition, for the contentment of the parliament. We give him a free and fair hearing; albeit we fear, when we have answered all he can bring, and have confirmed with undeuiable proofs our position, the Houses, when it comes to them, shall scrape it out of the Confession; for this point is their idol. The most of them are incredibly zealous for it. The Pope and King were never more earnest for the headship of the church than the plurality of this parliament. However they are like for a time by violence to carry it, yet almost all the ministry are zealous for the prerogative of Christ against them. We are at this instant yoked in a great and dangerous combat for this very thing. We have been often on the brink to set up our government; but Satan to this day hindered us. The ministers and elders are not willing to set up and begin any action, till they may have a law for some power to purpose; all former ordinaunces have been so intolerably defective, that they could not be accepted. The Erastian and Independent party joining together in the Houses to keep off the government so long as they were able, and when it was extorted, to make it so lame and corrupt as they were able; yet at last yesterday an ordinance came forth to supply the defects of all the former, that so, without further delay, we might go to work.

The Independents have the least zeal to the truth of God of any men we know. Blasphemous heresies are now spread here more than ever in any part of the world; yet they are not only silent, but are patrons and pleaders for liberty almost to them all. We and they have spent many sheets of paper upon the toleration of their separate churches. At the last meeting we concluded to stop our paper-debates, and on Thursday next to begin our verbal disputation against the lawfulness of their desired separation. When we have ended, the Houses will begin to consider this matter. The most there, and in the army, will be for too great a liberty; but the assembly, the city, and the body of all the ministry in the kingdom, are passionately opposite to such an evident breach of our covenant.

*A Postscript. March 31, 1636.*

For the time our Commissioners can think on no private thing; for every day they attend, five or six hours together, a solemn debate, with a number



of the chief of both Houses of parliament, about the propositions of peace to be sent to the King. A little time will shew much. We are in great doubts. The leaders of the people seem to be inclined to have no shadow of a king; to have liberty for all religions; to have but a lame Erastian presbytery; to be so injurious to us, as to chase us home with the sword. These things to you three alone. The Prince is landed in France, which will be a sentence of foreign war. This day the House of Commons have appointed a committee to secure the King's person, if he should come to London. Our great hope on Earth, the city of London, has played nipshot; they are speaking of dissolving the assembly.

*To Mr. William Spang. April 3, 1646.*

The last letter of the King being more taking than the former, offering to be advised by the parliament, if his followers may be secured of their estates, has drawn an answer yesternight, which his five or six former were not able to do. The answer is, That they conceive it not for his good, nor the good of his people, to come hither, till first the propositions be granted which they are preparing to send. In the meantime the city-guards are multiplied, and a committee appointed to secure his person, and seize on his followers, if he should come hither.

*April 23, 1646.*—Matters here are in a very ambiguous posture. Exeter is capitulating, if not already rendered. The Prince is yet in Scilly. The Houses have voted 10,000 foot and 2,000 of horse to be raised in the north. Sir Thomas Fairfax's 21,000 men are voted to continue other four months. They are speaking of other 10,000 for the west: 40,000 men are a great army when there is not one man in the fields against them. The most think they intend to force us to what they will. The common word is, that they will have the King prisoner.

They make the word to go, that the King resolves to go to the Scots army, knowing their compassionate hearts, and love to the King, if he would do his duty. They have belaid all the ways, that they may catch him, if he should essay to go any where out of Oxford, till Cromwell come and take him up. No appearance of settling religion or the kingdom, yet God may do both quickly. We are in great grief and perplexity; we pity it that a very few persons should be enabled to keep all in a dangerous confusion, when all might be so easily settled.

*For Scotland. April 24, 1646.*

The Houses put out an ordinance for the erecting of presbyteries; but so defective, that while it was in doing, the city drew up a petition against it; which the Houses voted a breach of their privileges. While we were in great hopes that the city would for all that stand to their petition, that we should learn to trust in no flesh, they shamefully succumbed: by a few fair words from the Houses, they were made as mute as fish. Yet the assembly were bold to petition the Houses against that ordinance; for which also they are voted breakers of their privileges. The assembly yet say, they will be stouter than the city, and mind not, by a few, whether fair or foul, words, to acknowledge any fault where none was. And we also, for our exoneration, do give in a fair remonstrance against that ordinance; whereunto as yet we have got no answer, and scarce expect any good one. But the eyes of

all are most on the propositions of peace. Our state-commissioners had many and long debates, both by word and writ, with a committee of the Houses, upon the alterations of the former propositions, whereupon both kingdoms had agreed long ago. It came at last to this, that however by treaty they were obliged not to make peace without us, yet they might send what propositions they pleased for their own kingdom; and that, for religion, they would send no particular at all, but only require the King's consent for a power to the parliament here to establish religion in England and Ireland as they thought fit; also they required him to consent, that for time coming the power of the militia should be in the Houses alienably, and no part of it in the crown. To neither of these we would consent.

All the Royalists in Scotland could not have pleaded so much for the crown and the King's just power, as the Chancellor and Wariston did for many days together. All will be presently printed either here or there. Sir Thomas Fairfax's army will now be near Oxford. They would have made us believe, that the King had resolved to have broke through to our army for protection from prison; but I suspect the chief spreaders of these reports know well enough how they keep him fettered in Oxford with 4000 or 5000 horse, beside their daily treaties with Ashburnham, and these who have absolute power over him, to keep him still till they deliver him to Sir Thomas Fairfax, and to be disposed upon as Cromwell and his friends think it fittest for their affairs.

You see how things stand here. We are on the brink either of a happy peace, or of a more unhappy war than yet we have felt. The madness of these unnatural men, who continue to let out the blood of their country, when it had most need of strength, is inexcusable. Scotland, for ever, must curse the memory, not only of these wicked murderers, but also of all these unhappy self-seeking fools who have or do contribute any thing to our divisions and heart-burnings.

*For Mr. Henderson, being at Newcastle with the King.*

You will have it from many hands, and I cannot but advertise you also, that the prevalent party desires nothing so much as the King's refusing of any one of the propositions. It is the sense of all I meet with, that if the King should but delay to grant the propositions, this people will declare against him, and reject him for ever from being King. The Prince his going to France does much imbitter them, and further that which is the design of many, to abolish monarchy, and settle themselves in a new kind of popular government. If the King will presently pass all the propositions, I find the most very willing that he should return, and be received with so much power and honour, as may in a little time bring him to all his just and pious desires. He deceives himself exceedingly, if he expect any divisions here in haste. All will agree, if he remain obstinate, to ruin him and his family, and all who adhere to them. While this fear be secured, by appearance this people will be one. Divers, from whom least I expected it, are for the putting away of the whole royal race. The natural respect I have to all great families, and the great love and reverence that I ever carried to the King's person, makes me grieve and fear much at this time. When I look upon the disposition of all men I know, I see nothing but ruin for poor Scotland,



except the God of heaven help you there to save that poor prince from destroying of himself and his posterity.

\* \* \* \* \*  
*For Mr Spang. May 15, 1646. From London.*

The other week, by appearance by a secret instruction, our letters at the city-guards were taken, and broken up, and read in the House of Commons. One of John Chcesly's has caused much noise. For ourselves we are all well; neither do we fear any hard usage for any thing that can fall out. There is no appearance of any such wrong; but there was great appearance of surrounding our army at Newark, with all the forces they had, at least with 26,000 well-armed men, to take the King from us to prison, or to cut us off. This made us, after the capitulation for Newark, to retire with speed. We are now out of their danger in haste. The faction's great design is to continue the war; a peace is their quick and evident ruin. The King's being with us makes them mad; but all good people are very joyful of it.

\* \* \* \* \*  
The good party has now the plurality in the House of Lords; many in the House of Commons are falling off our unfriends. It is hoped the city may yet remonstrate against the sects, and that to purpose shortly; but our great perplexity is for the King's disposition. How far he will be persuaded to yield, we do not yet know. I hope Mr Henderson is with him this night at Newcastle.

\* \* \* \* \*  
*For Mr Henderson. May 19, 1646.*

There is much talk here by all sorts of people of the King's obstinacy; that he is the longer the worse, and refuses all reason. The faction rejoices herein. This disposition contributes exceedingly to their wicked design. All our friends are very sorry for it. Except God help you, that you have occasion to let us know shortly there is a great change, we will not know whither to turn us. Our perplexity for him and ourselves for the present is very great. If he would do his duty, in spite of all knaves, all would in a moment go right; but if God have hardened him, so far as I can perceive, this people will strive to have him in their power, and make an example of him. I abhor to think of it, what they speak of execution.

\* \* \* \* \*  
*For Glasgow. July 14, 1646.*

On Sunday, in all congregations of the city, the elders are to be chosen. So the next week, church-sessions in every parish, and twelve presbyteries within the city, and a provincial synod are to be set up, and quickly, without any impediment that we apprehend. The like is to be done over all the land. They go to this work unanimously and ehearfully at last, I mean all but the sectaries. That it may the better succeed, there is on Thursday next a general fast over the city, which both the assembly and parliament do countenance. The work of the assembly, these bygone weeks, has been to answer some very captious questions of the parliament, about the clear scriptural warrant for all the punctilio's of the government. It was thought it would be impossible to us to answer, and that in our answers there should be no unanimity; yet, by God's grace, we shall deceive them who were waiting for our halting. The committee has prepared very solid and satisfactory answers already, almost to all the questions, wherein there is like to be an unanimity absolute in all things material, even with the Independents. But because of the assembly's way, and the Independents miserable unamendable

design to keep all things from any conclusion, it is like we shall not be able to perfect our answers for some time; therefore I have put some of my good friends, leading men in the House of Commons, to move the assembly to lay aside our questions for a time, and labour about that which is most necessary, and all are crying for the perfecting of the Confession of Faith and Catechism. If this motion take, I hope we shall end shortly our Confession, for there are but a few articles now to go through. It will be a very gracious and satisfactory Confession when you see it. We made, long ago, a pretty progress in the Catechism; but falling on rubs and long debates, it was laid aside till the Confession was ended, with resolution to have no matter in it but what was expressed in the Confession, which should not be debated over again in the Catechism. If these two pieces, and the Catechism, were out of our hands, our long work were at an end. All the corrections of Mr Rous's psalms and advices which come up from thence, were very friendly received, and almost all of them followed. It is like the assembly and parliament here will, ere long, authorise the use of that oft corrected Psalter. Whether you think meet to make use of it or not, it shall be absolutely in your own power.

\* \* \* \* \*  
*For Mr William Spang. August 7, 1646.*

We were lately in some good hopes of an happy end of our long troubles, but now we are very near desperate of that. After all possible endcavours by all unanimously, Scots, English, French, so far as yet we know, the King refuses the propositions. We expect on Monday the Chancellor and Argyle, with the English commissioners. After their report to the Houses, we fear sad votes. It will be our endcavour to keep them from sudden conclusions. They take very long time to the smallest affairs: I fear they be too quick in deposing the King, and setting a day to the Prince. We are at a great nonplus, in very great grief and perplexity. We know not what either to say or do. There is before us a thick cloud of confusion. Many of the King's greatest friends think his obstinacy judicial, as if, in God's justice, he were destroying himself. I fear he will down with him all his posterity, and monarchy. Also in this isle we have very small hopes of doing any more with him, and many thousands more of his best subjects. This is the great joy of the prevalent party, the thing they panted for with all earnestness. Our griefs and fears are great, and for the time we are in a great stupidity and astonishment. It will be our endcavour to keep the nations together, albeit we scarce see the possibility of it. Mr Henderson is dying most of heartbreak at Newcastle.

\* \* \* \* \*  
*For Mr Henderson. August 13, 1646.*

It seems the most here are inclined to declare against the King, and that without much regret. I know no remeid, but a quick message from him to grant all. I wish our meeting at Edinburgh would yet send to him for that effect; but I fear it be too late.

\* \* \* \* \*  
In the assembly we were like to have stuck many months on the questions; and the Independents were in a way to get all their differences debated over again. I dealt so with Mr Rous and Mr Tate, that they brought us an order from the House to lay aside the questions till the Confession and Catechism were ended. Many took it for a trick of the Independents and Erastians for our hurt; but I knew it was nothing less. We are now near an end of our Confession. We stick on the article of



synods, upon the proposition of their coercive power, or their power to excommunicate. If this were over, we apprehend no more long debates on the Confession. The Committee for the Catechism has well near ended their work.

\* \* \* \*

*For Mr Robert Blair. August 18, 1646.*

With much diligence, and art, and great perplexities, we strive every day to keep the House of Commons from falling on the King's answer. We know not what hour they will close their doors, and declare the King fallen from his throne; which if they should once do, we put no doubt but all England would concur; and if any should mutter against it, they would be quickly suppressed. Do not expect, that ever any more messages will come to you [meaning the King] from this. If within a very few days you send not liither a simple and absolute grant of all the propositions, without any *if*, or *and*, you will quickly obtain your desire. A martyrdom, a perpetual close prison at least, will be your portion; and that without the pity of many. If yet you would do what within a few weeks you will on your knees beg to be permitted to do, but in vain, you might save all.

\* \* \* \*

*For Mr David Dickson. August 18, 1646.*

The King's unhappy refusal of the propositions has put us here in a great deal of confusion and perplexity. The sectaries do exceedingly rejoice; the rest are in great sadness. The great danger was, that the House of Commons presently without any more, should declare against the King. Our great care was to prevent that great mischief; for if they once had passed a vote to demand the King, to remove our army, to send their army northward, there was no remeid. Therefore we made ready a paper before their commissioners returned, and presented it at the very back of their commissioners report, of our willingness to disband our army, and give up the garrisons upon reasonable satisfaction; and our desire to take, by common advice, a course for settling of the kingdoms. The noise of our very good carriage at Newcastle, the great equity of our paper, our private dealing with our friends in the Houses, made our motions taken: so we have got them to consider first the matter of our army before they came to the King's answer. We hope to keep on this for some days, till the King have a little more time to be better advised. And such diligence has been used, that we hear he is coming near us.

\* \* \* \*

Their first offer to us was of £100,000 Sterling for the disbanding of our army. We, this day, gave them in a paper wherein we were peremptor for more than double that sum for the present, besides the huge sums which we crave to be paid afterward. They have appointed a committee to confer with us; we are in some hopes of agreement.

\* \* \* \*

*For Glasgow. To Mr Robert Ramsay. London, August 18, 1646.*

We are here, by the King's madness, in a terrible plunge. The powerful faction desires nothing so much as any colour to cast the King and all his race away, to have a quarrel with us; this they will get if the King stick but for a few days many of the propositions. Many here will regret it; but none will oppose. With great difficulty we drive over a little time, and to our utmost labours with the King. He never did any good turn in due time; our people, I fear, be a snare to him. Divisions are like to increase, and the best to be borne down most. Worse

evils hang above the head of poor Scotland than yet we have suffered, except the Lord prevent, and such as I cannot see their end. Blasphemous heresies rage here every where, without any controul, to this day. Warnings are clear and zealous; but a few that make it their work to patronise and advance a horrible liberty, mars all. This nation also is in a temper to fall in a worse war than the former. God help us, we had need to pray. Never people nearer to a bottomless pit of horrible evils.

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*To Mr David Dickson, September 22, 1646.*

Reverend and Dear Brother,

— We have ended the Confession of Faith for the matter, and have perfected the most half of its nineteen chapters. The other seventeen, I hope, in a ten or twelve days will be perfected, and so all be sent up to the Houses. It will be, I hope, a very sweet and orthodox piece, much better than any Confession yet extant, if the House of Commons mangle it not to us. We are now upon the Catechism. We hope that also shall be a very good and plain piece. We are now at work, thanks to God, in earnest much more than ever. If the race hold, I trust this also in a month shall be over, and then Mr Rutherford and I will supplicate the commission for a demission. Mr Gillespie will be abundance to attend the queries. It will be a great question when you shall think meet to call a general assembly. We yet know not what to advise. It will be necessary to have the Confession and Catechism approven in a general assembly, as the Directory was; but we fear the condition of your affairs at this time, will scarce permit you to hazard to call one. Always be thinking on this; for it will be a great deliberandum shortly. To-morrow, the House of Commons debate the ordinance against heresies and blasphemies; we are very solicitous for it. The orthodox and heterodox party will yoke about it with all their strength, the Lord be among them; for the right or wrong carrying of that business is of a huge consequence, and nothing beyond it but another question which this day is handled, How to dispose of the King's person? Great need had you there, as in my last I warned you, to see to the election of commissioners to the parliament, both in the burghs and shires. If that choice fall wrong, Scotland is in hazard to be ruined.

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*For Mr Spang. October 2, 1646.*

They have passed a vote of disposing the King's person as their two Houses shall think fit, without any reference to us. We press, by many unanswerable reasons, our joint interest. They deny it. It is like we may join in advising, and get the question of power laid aside; but when we come to advise, we know not what to say. We expect one of these days William Murray with the King's last answers. We are certain they will not satisfy. Their course thereafter with the King will be more summar than we readily can join in peace. We see an inundation of evils; except the great God arise we are undone. These things were the subject of yesterday's full debate betwixt the two Houses and our commissioners. We expected £200,000 to have been put in our army's hand within a fortnight, and the sectarian army disbanded, and that party humbled, government presently set up, the ordinance against sects and heresies that now is in debate to pass, and be execute; but the King's obstinacy is like to mar all. And having done all we can, we know not what to do with him next. The good Chancellor is distempered with grief, and I with him also, and others of us; God help us.



When we get better news ye shall get part ; for the time I am not well neither in body or mind.

*For Mr George Young. October 13, 1646.*

The unreasonable vote of disposing of the King's person as their two Houses of Parliament think meet, without the least reference to Scotland, they still adhere to. In three solemn meetings, the Chancellor, Wariston, and Lauderdale, did so out-reason them, that all the hundreds of hearers did grope their insolent absurdities ; but for no other purpose, than to draw from them another very unexpected vote, of keeping up the army for six months more. The keys, the sword, and money, and preferments, in the hands of the sectaries. With much ado have we kept the report of these three conferences from the Houses, to be made in four or five sheets, on Thursday, by ourselves. The King's answer cannot be here till Monday. In the meantime they are so peremptor, that they may pass a vote, declaring the King, for no scant of faults, incapable to govern while he lives. "If this nail be once rooved, we with our teeth will never get it drawn. If we get it delayed a few days, till the answer come, it is well ; but when that much-expected answer comes, if it be not satisfactory, as we are extremely afraid for it, then, by all appearance, this people, without more delay, will strike the fatal stroke ; the consequences whereof I am oft troubled to think upon. If the answer were satisfactory, as some hope there is that at least in time it may be so, if the patience of this people, by all diligence we can use, may be kept but for a few weeks unbroken, all would go well.

For matters of religion, albeit for the time in an extreme ill posture, yet are in a case of thriving, if the accommodating of the King did permit men but to draw up their fainting spirits. The fear of that miscarriage lets no man mind any thing else. London and Lancashire goes on with the presbyteries and sessions but languidly. Sundry other shires are making to ; but all the errors of the world are raging over all the kingdom. God save Scotland from that pest ! In the ordinance against that evil there is some little progress made. To-morrow, by God's help, we expect a farther. Our assembly for one twenty days posted hard ; but since have got into its old pace. The first half, and more, of the Confession, we sent up to the House. The end of these who called for it, was the shuffling out the ordinance against errors ; yet our friends have carried to go on with that. But others have carried the putting of scriptures to the margin of the Confession, which may prove a very long business, if not dextrously managed. It will be yet a fortnight before the other half of it be ready ; for sundry necessar, but seabrous propositions, were added in the review. We have passed near a quarter of the Catechism ; but we will not in earnest win to it till the Confession be off our hand. I am near ready to speak a word with the Anabaptists. I dare say, too much ease has not been hitherto in me or my colleague's disease.

*To Mr David Dickson. October 27, 1646.*

The peace of the kingdoms is still in a great uncertainty. We fear every other day, that the Houses impatience of the King's infinite delays break off in a fury against him, and then that he be brought to consent to all but to no purpose, unless to engage our poor kingdom in his quarrel, for the joining of our ruin to his own. It is also whispered, that he is coming off to grant all things but the covenant, and church-government, and that it is

like the parliament here will close with him in these terms, without much regard to our complaints and discontentment this way.

\* \* \*  
To ———. [*This letter is, I suppose, for Mr Robert Blair.*] November 3, 1646.

I hear that not only the chief of the sectarian party, but some others, seem in private to give their readiness to welcome the King, if the other propositions be granted, though the covenant be shifted. The sectarian party, and divers others who profess most to oppose them, seem to be in a way near a disposition to admit, unauimously enough, of a charge against the King's person, which they say is in readiness, and that the great stop to this, all fear from the Scots and the city will be removed. If they find that the King in his answer give not quick and full satisfaction in the covenant, I really believe the King is greatly abused if he dream that either the Scots or the city will make any considerable opposition to any course the parliament shall be pleased to take with his person, if there be any more hesitations in establishing that covenant.

It is to me marvellous, that no experience, how dear, or frequent soever, will learn his Majesty that one point of prudence, to do in time for his great advantage, what he must and will do ere long, without any thanks, and that with a great addition. The covenant now will do all his business. Will he scruple it till the ordinance pass, the next debate will be about his negative voice in the parliament ; and very readily that shall be put in an ordinance ; and without it also there shall be no admittance of him, or any of his, to the throne.

To many here it seems a great measure of imprudence, and (as some call it) induration and dementation, to be content that the parliament here should run out into the greatest extremities, and to hope that those shall be the readiest means to obtain to the King all his desires ; for I verily think that if the parliament shall once go on to the hardest courses with the King, upon his refusal to pass the covenant, and to do these duties which the most of the good men in both kingdoms are persuaded he ought in reason, he will never get, either here or in Scotland, any considerable force for his defence.

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This people's patient waiting for the King's last answer, is very near a final period : and all are afraid that one of these days the House of Commons doors be closed, and some high vote pass that never shall be recalled.

\* \* \*  
Again, I tell you, from all I converse with, the covenant is his safety ; nothing less will do it ; and this will do it, by God's help abundantly.

\* \* \*  
*To Mr George Young. December 1, 1646.*

The £200,000 was all told on Friday last. All this day our commissioners have been agreeing upon the way of its receiving, and the going of our army. Great haste will be used upon all hands, no stop is expected. We have had sore labour these weeks bygone, to put on many things in the Houses, assembly, and city, much ado to get the great sum ; but when once it was on a way, it ran faster than it could be received. It was my dear friend Dr Burgess's singular invention, that all who contribute to this sum, would have as much of his old debt, with all the annual rents counted to him, and for all make a good pennyworth of the bishops lands ; so the bargain being exceeding advantageous, the strife was, who should come in with his



money soonest. By this means we got the bishops lands on our back, without any grudge, and in a way that no skill will get them back again.

The body of this people would gladly embrace the King and peace; but if one month longer he go on to dally, they will reject him for ever; and if he then run to us, to draw a perpetual war upon our backs, he cannot be very welcome. Our commissioners here, twice every week, write such long, free, and true scrolls, as will absolve them from any guilt, if persons obstinate in madness will needs destroy themselves. I think all here shall either come home with me, or at my back. A base scurvy pamphlet came out against our papers, which by order of parliament this day was publickly burnt; yet the House of Commons answer to us was sent us this day also, little better than that which they burnt.

*For Mr James Robertson of Bedlay. December 8, 1646.*

Some few of the most active men of the House of Commons and army are for too general a liberty for all consciences; but the most of both Houses are right and sound, and the body of the city are zealous against all errors and confusions, as the world will see in their new petition yet before this week end. Generally the ministers over all the kingdom are orthodox; and the sectaries except a very few, are but heady, illiterate persons. If peace were settled, and the army down, all here think that the noise of heresies, which now is very loud, would vanish. This night I count us as good as agreed for the sending down of our money, and the return of our army. I think, on Monday, and not sooner, it will go. We receive at Northallerton, £100,000, and the other beyond the Time, when Newcastle is delivered.

*To my Lord [This, I suppose, is to the Earl of London, Chancellor of Scotland.] December 25, 1646.*

If it please God the King come hither, who shall be his ministers? By all means it must be provided, that he be not permitted to have any service either from Episcopal men or sectaries. There will be difficulty to get these eschewed. If the King have his choice, without rules from his parliament, he will take no other than Episcopal men. If some have the power either of nomination or effectual recommendation, without doubt the prime sectaries shall be planted about him. For the preventing of this, were it not meet, while the King is with us, to be thinking what ministers we could wish to wait on his family and children? In the mean time, while the King is on his journey, and while he is settling here, were it not meet to move his Majesty to require Mr Blair to attend him; and if it may be, to have the spiritual care of the children?

*To Mr William Spang.*  
The treaty for our army, and so the committee of both kingdoms, being ended, and the next deliberation about the King, being of that importance, that our commissioners think meet to remit it to the parliament of England; the Chancellor and Lauderdale purpose to go home the next week, and I, God willing, with them. Our assembly, with much ado, at last have wrestled through the Confession, and the whole is now printed. The House of Commons require to put Scripture to it before they take it to consideration; and what time that will take up, who knows? We have passed a quarter of the Catechism, and thought to have made short work

with the rest; but they are fallen into such mislikes, and endless janglings, about the method and the matter, that all think it will be a long work. The increase of all heresies here is very great.

At last his [the King's] answer is come to us, and this day was communicate to both Houses. It is but a mere general, that he desires to come here to be heard, for the loosing of his scruples. The Houses have voted his coming to Holmby house near Northampton, in quality little better than a prisoner; which he will never agree to. It will be endeavoured that the two parliaments may agree in some course of his restraint, if he continue in his unhappy courses. His warrant the other day was produced for stealing away the Duke of York to France. If either he could be moved to agree with his parliament, or they to agree among themselves in any course for him, it seems we might have here, both in church and state, all our desires; but neither of these being likely, our dangers both in church and state are very great and imminent.

[See continuation of the Account of the Westminster Assembly, appended to the Acts of 1647.]

*Note of Proceedings in the Convention of Estates relative to the Church, betwixt the Assemblies of 1646 and 1647.*

Nov. 14. Letter from the Parliament to the King, desiring a Settlement of Religion, and a happy and well-grounded Peace in all his Majesties Dominions, according to the Oath and Covenant, p. 231.

Jan. 16. Declaration of the Kingdom of Scotland concerning the King's Majesty's Person, p. 239. Desires of the Kingdom of Scotland, p. 240. A Letter from the Parliament of Scotland to the Parliament of England, p. 241.

Jan. 23. Ordinance anent the answering of the King's Majesty's Letter, direct to the Earl of Crawford. *ib.*

Feb. 11. Answer of the Parliament to the Remonstrance of the Church, p. 247.

Feb. 12. Act for Transporting of the Kirk of Dunscore, p. 249.

March 12. Act Erecting the Kirk of Glencorse, p. 264. Act Erecting the New Kirk of Glenluce.

*ib.* Act Erecting the West Kirk of Calder. *ib.* Act for Transporting the Kirks of Logie-Montrose, and Peant. *ib.*

March 18. Act against Excommunicate Persons, ordaining that, after the lapse of forty days, they shall be put to the Horn, and Letters of Intercommuning and Caption issued against all who refuse the Covenant, &c., p. 267. Act Discharging Observation of Superstitious Days, p. 268. Answers of Parliament to the Overture given in to the Parliament by the Commissioners of the Assembly. *ib.*

March 19. Instructions from Parliament to their Commissioners in London, p. 268.

March 20. Act and Commission to the Committee of Estates. *ib.*

March 23. Act Lord Huntly upon the Production of the Articles of Treaty betwixt the Kingdoms of Scotland and England, p. 272.

March 24. Act Renewing the Commission for Plantation of Kirks and Valuation of Teinds. *ib.*

March 26. Act concerning the Education of Children under Popish Parents and Tutors, p. 276.

March 27. Commission for Visiting the University of Aberdeen, p. 288.



## THE GENERAL ASSEMBLY,

AT EDINBURGH, 1647.

IN resuming our narrative of public events, in which the Church of Scotland acted an important part, we commence, on this occasion, at the beginning of June, 1646, when the King was in the Scottish Camp at Newcastle, and when the Assembly met at Edinburgh. From the Acts of that Assembly, it will be seen that his Majesty addressed a letter to it, (28th May,) promising "to maintain religion there as it is established, in doctrine, worship, and church government;" that the Assembly, on the 18th of June, responded to this in vague and general terms, but renewed its commission for "prosecuting, advancing, perfecting, and bringing the said work of uniformity in religion, in all his Majesty's dominions, to a happy conclusion;" and addressed letters to the English Parliament, the Westminster Assembly, and the City of London, all to the same effect.\*

On the 25th of that month, at a meeting of the Grand Committee of both Houses of the English Parliament, Argyle delivered a document containing the acquiescence of the Scottish Commissioners in the propositions for peace, which had been suggested by the English Houses; and delivered a speech in which uniformity in the three kingdoms, the Covenant, and intolerance to all Dissenters, formed the leading topics. The English Parliament, however, still sheltered itself under the convenient verbiage, that the church government in England should be modelled "according to the Word of God, and the example of the best reformed Churches." At the same time, a petition from the officers and soldiers of the Scottish army, addressed to their general, Lord Leven, was got up. This was followed by a declaration of the Lord General, the general officers, and soldiers of that army, on the 29th of June, intimating their adherence to the Covenant, but intimating too, that, having come to England in support of their allies in that cause, they expected their pecuniary recompense, and that being given, they would then willingly retire into Scotland. A petition to the King, pressing on him the adoption of the Covenant and the enforcement of it in England, was also presented; so that Charles was assailed on all hands by a combined pressure from the Parliaments of both kingdoms—the Westminster and General assemblies—the Scottish army—to relinquish at once the last of his prerogatives and his conscientious principles. Whatever, therefore, he subsequently did in the way of concession, can only be ascribed to absolute and irresistible coercion, while in a state of thralldom.

The propositions of peace, as they were called,

being thus concerted, with the elements of future discord in their bosom, were passed in the English Parliament, on the 27th of June; and, as an earnest of their extirpating tendencies, Morgan, a priest, who had received orders beyond seas in the Church of Rome, "was drawn, hang'd, and quarter'd at Tyburn," on the 30th of the same month.\*

On the 6th of July, "the Commons voted that this kingdom hath no further need of the Scottish army, and that the kingdom is unable to pay them longer; and that a letter should be sent from both Houses to the Commissioners of Scotland, to desire them to withdraw their army into Scotland."† On the 10th of that month, the Assembly's letters, already referred to, were received; and, on the 13th, the propositions for peace, which had been previously drawn out, [*Die Sabbathi, 11th July, 1646,*] were finally adjusted, in order to be offered to his Majesty.

The main points in these propositions, touching religion and its establishments, were, that the King should sign and swear the Solemn League and Covenant, and an act of the Parliaments in both Kingdoms be passed, enjoining all the subjects in the three kingdoms to do the same, under such penalties as the respective Parliaments should enact; that a bill be passed, utterly abolishing Prelacy, in terms of the treaty at Edinburgh, 29th November, 1643; that the ordinances as to the Assembly of Divines be ratified by act of Parliament; that the Reformation of Religion should be settled by act of Parliament, conformably with the League and Covenant; that an oath be imposed on all Papists, renouncing their tenets; and declaring that, if the King should not give his assent to these proposals, then, it being done by both Houses of Parliament and the Scottish Estates, the same should be as valid as if such assent had been given. There were other propositions, such as the King relinquishing the command of the army for twenty years; but to these it is needless here to allude further than that a long list of persons was proscribed as not fit to receive pardon for their proceedings during the troubles.‡

On the 23d of July, the Commissioners from the English Parliament arrived at Newcastle, and were attended by Argyle and Loudoun as Commissioners for Scotland. The King appointed an audience next day, when the propositions were read to his Majesty, the Commissioners informing him that they had no power to treat, or to remain above ten days for an answer. At one of the interviews which the Commissioners had with the King, Loudoun, in very plain terms, intimated that the Parliament "are now in such a posture for strength and power, they are in a capacity to do what they will, both in Church and State; and some are so afraid, and others so unwilling to submit them-

\* Rushworth, part iv., vol. i., p. 305.

† Ibid., p. 306.

‡ Ibid., p. 309, *et seq.*

\* Vide Acts, p. 450.



selves to your Majesty's government, that they desire not you nor any of your race longer to reign over them; but the people are so wearied of the war and great burthens they do groan under, are so loth to have monarchical government destroyed, that they dare not attempt to cast it totally off, till once they send propositions of peace to your Majesty." He added, "If your Majesty (as God forbid) shall refuse to assent to the propositions, you will lose all your friends in the Houses, lose the city and all the country; and all England will join against you as one man: They will process and depose you, and set up another government; they will charge us to deliver your Majesty to them, and render their garisons, and remove our armies out of England; . . . and if your Majesty lose England by your wilfulness, you will not be permitted to come and reign in Scotland."\*

The King, however, was not entirely overwhelmed by the language of intimidation thus held towards him; but, on the 1st of August, delivered to the Commissioners an answer, which will be found annexed,† proposing to go to London "upon the publick faith and security of the two Houses of Parliament and the Scotch Commissioners," there to negotiate the terms of an adjustment on all points; and, with this answer, the Commissioners returned to London the day following, and, on the 12th, reported their proceedings to Parliament.

"The spirit of the age," in any age and in every country, is often marked emphatically by trivial circumstances. Of this we have an example at the period now under consideration. The Great Seal of England, which had been carried to Oxford in 1642, and other Signets of Royalty, were found there on its surrender, and were ordered by the House of Commons to be broken in pieces; and, on the 11th of August, "were, by a smith, broken to pieces at the bar of the Lords' House, the whole House of Commons being present." Such was the morbid fanaticism at that time even against the symbols of regal authority.

It cannot be deemed foreign to this compilation to state, that, in the course of this month, (19th August,) the most distinguished leader of the Covenanters died; we need scarcely add the name—ALEXANDER HENDERSON. During the time that the King was at Newcastle, he had held an amicable controversy with his Majesty, on the relative qualities of Episcopacy and Presbytery, with the view of reconciling his antagonist in argument to the adoption of the latter; but this controversy, the records of which have been preserved, and which was conducted with great courtesy and talent on both sides, failed in the accomplishment of its object by the conversion of the King; and Henderson soon after returned to Scotland, where, suffering under a shattered constitution and broken spirit, he died, lamented by his friends and honoured by his opponents. The best

tribute to his worth and talents is to be found in the pages of his contemporaries.

The settlement of the propositions, sent by the Parliaments to the King at Newcastle, did not form the only subject of perplexity to the ruling powers at the period now referred to. The same day that his Majesty's answer was laid before the English Parliament, a paper was given in to the House of Peers by the Scottish Commissioners, declaring that the Scotch were "willing forthwith to surrender the garisons possessed by them in this Kingdom, [England,] (which they did keep for no other end but the safety and security of their forces,) and without delay to recall their army; reasonable satisfaction being given for their pains, hazards, charges, and sufferings; whereof a competent proportion to be presently paid to the army before their disbanding, and security to be given for the remainder." Upon this a conference was held by the two Houses, and, two days after, the Commons voted £100,000 for the Scottish army, and promised an early audit and adjustment of their accounts. The demands of the Scotch amounted to about two millions; but, at length, after some cavilling, it was agreed, early in September, that they should be modified to £400,000, of which one moiety to be paid ere the army left England, and the remainder in future instalments. And, about the same time, Commissioners were sent from the Estates of Scotland to the King to persuade him to accede to the propositions already adverted to. The King's answers to these are so important in a historical point of view, and as illustrating the relative position of all parties at that critical juncture, that we give them in our appendix of documents to which we refer.\* And it may be here noted that, on the 3d of September, Montrose, by the Special orders of the King, relinquished, though reluctantly, his warlike position in the Highlands, and, along with some of his followers, embarked at Stonehaven for Norway.

On the 18th of September, "the House of Commons took into consideration how his Majesty's person should be disposed of; and voted, 1. That whatsoever consultation and debate the Scots Commissioners should have concerning his Majesty's person, the same should not in any ways impede the march of the Scots armies out of this kingdom, nor violate or trench upon the treaties between both nations. 2. That his Majesty shall be disposed of as both Houses of the Parliament of England shall think fit; and afterwards ordered that these Votes should be communicated to the Scots Commissioners, who pretending to a joint right of disposing of his Majesty's person, a committee of both Houses was appointed to treat with them about it, who had sundry conferences thereupon."† In the conferences which ensued, Loudoun, the Lord Chancellor of Scotland, in various eloquent speeches,‡

\* Rushworth, part iv., vol. i. 319, 320.

† Vide Documents.

\* Vide Documents.

† Rushworth, part iv., vol. i., p. 329.

‡ Ibid.



which reflect honour on his character and memory, contended for the perfect freedom of the royal person, and his restoration to all the honours of his station, or that he might go to Scotland; asserting the coequal right of the Scottish Parliament to regulate this matter: but the English Commissioners and Parliament maintained "that the Kingdom of Scotland hath no right of joint exercise of interest in disposing of the person of the King in the *Kingdom of England*"—overlooking, in the maze of the sophistries by which this doctrine was sustained, that the King was at the time under the protection of his Scottish subjects, and though in England for the moment, that, by removing him into Scotland, the whole argument would have been overthrown by a single day's march, under a guard of cavalry, across the Tweed. They adhered pertinaciously to a prior and paramount right to the disposal of the King's person, and, as will be seen in the sequel, they prevailed in the tedious written and oral controversy which took place on that subject.

The steadfastness of the King in refusing, without further consideration, to adopt the Covenant and abolish Episcopacy, while it discouraged the Presbyterians of England who were still attached to monarchy, was gratifying to the Independents, who rejoiced in it, as favourable to the establishment of a republic. Its effect in Scotland was most inauspicious, even although the Estates, and many of the chiefs, began once more to cherish their ancient loyalty. The English Parliament, while these alterations were in progress, (9th October,) issued ordinances abolishing Episcopacy, and ordering the sale of all church property—thus dispensing summarily with the royal sanction to these acts of democratic despotism.\* On the 27th of November, the arrangements for paying off the arrears of the Scottish claims were completed, and the removal of the army stipulated for. On the 16th of December, the money was sent out of London in thirty-six carts, to pay off the first instalment; and, on the 21st of that month, the Commons voted that, after the payment of the first £200,000, the Scottish army should take no free quarters, nor levy moneys on the country; and both Houses named Commissioners to go to Scotland, and wind up this ticklish matter amicably. Nothing, however, was yet settled as to the King's person; but it was agreed that this should be no impediment to the marching of the Scottish army, on receiving the first of the stipulated payments.

The Scottish Estates having met on the 3d of November preceding, were assembled at the time that these proceedings were maturing in the English Parliament. They resolved, on the very day that the money had been dispatched from London, (16th December,) to pay off their auxiliary army, "that instructions should be sent to their Commissioners to press his Majesty's going to London, with honour, safety, and freedom, and that they

should declare their resolutions to maintain monarchical government, in his Majesty's person and posterity, and his just title to the Crown of England."† This declaration, however, was not to the taste of the Commissioners of the General Assembly, who must needs intermeddle and supersede the Parliament; and, accordingly, next day, (17th December,) they concocted "A Solemn and Seasonable Warning to all Estates and Degrees of Persons throughout the Land," in which, amidst a redundancy of the jargon of the times, they insisted that no deviation from the League and Covenant should be tolerated, under the pretence of preserving the King and his authority; and unless he should unconditionally adopt the Covenant, they obtested all the people to oppose his coming to Scotland—holding that document to be binding, not only upon all the existing generation, but their *posterity*.‡

This most unseasonable usurpation of political power and interference in secular affairs had its natural effect in England. The declaration of the Scottish Estates, which was worthy of an independent, loyal, and supreme legislature, was presented to the English Parliament the one day, and the Warning from the Assembly's Commission the day following; and, after reading it, a fresh discussion arose, which terminated in a resolution "that his Majesty should be desired to grant the whole propositions; and, in case of refusal, the certifications given to his Majesty should be put in execution, viz., To secure the Kingdom without him; and did declare that the Kingdom of Scotland cannot lawfully engage themselves for his Majesty, he not taking the Covenant, satisfying as to Religion, &c. Nor would admit him to come into Scotland unless he gave a satisfactory answer to the whole propositions lately presented to him in the name of both Kingdoms."‡ This resolution implied an assumption of superiority in the English Houses of Parliament over the Estates of Scotland, which was a palpable act of unwarranted usurpation, inferring a breach of the Treaty; and we look in vain either to the general principles of international law, or to the existing treaties betwixt the two countries, for any justification of the assumption.

When the King was apprised of the proceedings in the English Parliament, which followed on the communications from Scotland, he sent another written message to both Parliaments, on the 20th of December, repeating his desire to confer with that of England, on the propositions submitted to him—not absolutely refusing, but desiring to give and receive in person, and in London, explanations. It concludes in these terms:—" 'Tis your King who desires to be heard, (the which, if refused to a Subject by a King, he would be thought a tyrant for it,) and for that end which all men profess to desire. Wherefore his Majesty conjures you, as you desire to shew your selves really what you profess, even as

\* Rushworth, part iv., vol. i., p. 373.

\* Acts of Estates, vol. vi., p. 239.

† Vide Documents.

‡ Rushworth, part iv., vol. i., p. 392.



you are good Christians and subjects, that you will accept this his offer, which he is confident God will so bless, that it will be the readiest means by which these Kingdoms may again become a comfort to their friends and a terror to their enemies.”\*

To this message no answer whatever was returned; but, on the 22d of December, the Lords voted “That the King, being now in England, may come to New Market, there to remain, with such attendants about him as both houses of Parliament shall appoint; but the Commons agreed not with the Lords therein; and therefore voted, that Holmby House, in Northamptonshire, would be a place most fit for his Majesty, *if he please* to come thereunto and abide with such attendants as both Houses shall appoint.” The two Houses, on the 25th of December, resumed consideration of this matter, “and the Commons further debated the King’s coming to Holmby, agreeing with the Lords that his coming thither should be with respect to the *safety and preservation of his Majesty’s person*, and in preservation and defence of the true religion. And the question being put, Whether the words ‘according to the Covenant’ should be added? it passed with the affirmative.” On the 5th of January, 1647, the Commons resolve to appoint Commissioners of both Houses to go down to receive the King from the Scots, and to bring him to Holmby; and the Earl of Pembroke and others were named accordingly. On the 14th, the King put several questions to the Scottish Commissioners at Newcastle, to which evasive answers were returned; and, on the 16th of that month, the Scottish Estates transmitted its consent for delivering up the King, in these terms:—“The Estates of the Parliament of the Kingdom of Scotland do declare their concurrence for the King’s Majesty’s going to Holmby House, or some other of his houses in or about London, as shall be thought fit, there to remain until he give satisfaction to both Kingdoms in the propositions of peace; and that in the interim there be no harm, prejudice, injury, nor violence done to his royal person; that there be no change of government, other than hath been *these three years past*; and that his posterity in no ways be prejudiced in their lawful succession to the Crown and Government of these Kingdoms.”†

The Commissioners from the English Parliament arrived at Newcastle on the 23d of January; and, on the 28th, “the Scotch Lords being all with his Majesty, he told them he had often desired to go into Scotland; that he came into their army for protection, and had it, but now perceived they were not willing he should go to Edinburgh. And they being to deliver up the garrisons, he desired to know how they would dispose of him; and for that end desired them to withdraw and consider to whom they would deliver him, which they did; and, coming in again, they told his Majesty that they had considered

of his speech, and that, since his Majesty had refused to take the Covenant, and sign the Propositions, they were to deliver him to the Commissioners of both Houses of the Parliament of England, who were come to attend him to Holmby.”

“On Saturday, Jan. the 30th, the Scots march’d out of Newcastle, and Skippon took possession of it, and the Parliament’s Commissioners received the King into their charge, and soon after set forwards with him to Durham, and so on to Holmby, . . . where he arrived on Tuesday, Feb. 16, 1646-7.”\*

Connected with these transactions, it should be recollected that, by the resolution of the Commons, on 1st September preceding, £100,000 were to be paid to the Scotch on the army leaving Newcastle—two other equal instalments in the payments, at three and nine months subsequently—another at nine months thereafter—and the last £100,000 after the lapse of twelve months more; so that when the King was delivered up, on the 30th of January, 1647, the Scottish authorities *then received* one-fourth part of the money, the remainder being made payable within a period extending over two years and a-half after the surrender of the King; a mode of settlement which it is no breach of charity to assume was fully understood to be a pledge for the acquiescence by Scotland in the decrees of the English Parliament with reference to the Royal person.

It has been said, that the resolution of the Scottish Estates, on the 16th of December, “was obtained by surprise;” and that it was an “untimely excess of zeal;”† and plausible special pleadings have been indited by certain historians, to gloss over the pusillanimity and sordid considerations, by which the Scottish authorities were, subsequently, induced to truckle to these arrogant pretensions. We have no sympathy either with the morbid patriotism or the party prejudices which would vindicate our countrymen of a former, or of any age, at the expense of historical truth, from such imputations as those alluded to; and whatever were the real motives by which, in this matter, the Scottish Covenanters were guided, one thing is quite plain, that they meanly yielded to the insolent demands of the English Parliament, in an affair as to which there was no stipulation in the treaties betwixt them binding them to do so; that although distinct in point of form, the negotiations about payment of the arrears, and the demands for the royal person were contemporaneous; and that, although accounts were adjusted upon paper, no part of the promised arrears was paid at the time that the demand for the King’s person was made and reiterated by the English Parliament, nor for a considerable time afterwards. And, above all, viewed in a moral light, and with reference even to the terms of the Covenant itself, and the allegiance which they had sworn to Charles as King of Scotland, and their own demands on the

\* Rushworth, part iv., vol. i., p. 393.

† Acts of Estates, vol. vi., p. 240; and Rushworth, part iv., pp. 395-6.

\* Rushworth, part iv., vol. i., p. 398.

† Laing, vol. i., p. 345, on the authority of Burnet.



English Parliament, that the King should receive all honour and enjoy all freedom personally—it seems impossible to doubt that a convenient policy over-ruled honourable principle and national spirit, when they simultaneously delivered up the King's person to the English Parliament, and accepted the moneys then and subsequently doled out to them, from time to time, in successive instalments.\*

\* A high controversy has recently been carried on by Mr Lister, (author of a *Life of Lord Clarendon*,) and certain writers in the *Edinburgh* and *Quarterly Reviews*, relative to the circumstances which preceded the surrender of King Charles I., by the Scottish Commissioners, into the hands of his Parliamentary antagonists. We have no intention of entering on the minutiae of this discussion, which relates mainly to Clarendon's historical character, and to the communications that took place through the instrumentality of Montrevil, and the documents therewith connected. There is only one point to which we shall advert, as bearing on the statements we have given in the text, namely, as regards the footing upon which the King went to the Scottish camp. Referring to the last article inculcating the King in this matter, (*Edinburgh Review*, No. cxxxix., p. 104,) we find a document, said to be Montrevil's, quoted p. 109, dated in April, 1646, stating the conditions that had been agreed to by the Scots Commissioners, on which they were to receive him; and, among other things, it appears, "with regard to the Presbyterian government, they *desire* his Majesty to agree with them—as soon as he can." On this, a comment is made, by which this expression is converted into one of quite a different meaning—viz., that the Commissioners "told him [the King] plainly (as appears by this letter) through Montrevil, that, if he came to their army, *he must be prepared to give his assent to their Presbyterian Government* [in England] *as speedily as he could*." It is quite obvious, from a single glance, that the terms of the document and this interpretation of it, are very different. In the former, it is only a *desire* that he should agree to their proposals "*as soon as he can*," i. e., when, and if he could, make up his mind to do so; but, in the comment, this is converted into a peremptory and pointed requisition that he should do so, absolutely and *speedily*. This is scarcely a fair construction. Take the reviewer's further statement, (p. 111,) "It is plain from this correspondence, that the Scots made no promises to the King which they did not fulfil. They engaged to assist him in his escape from Oxford—to *protect his person, which was placed in danger by the votes of the two Houses*, in case he was forced within their quarters—to treat him *with honour and respect, and not impose force on his conscience*—to admit into their camp three of his servants, &c. All this they performed, and more they refused to promise, *unless* the King gave his consent to the establishment of the Presbyterian Church in England." The concluding assertion assuredly is not borne out by the document founded on; and, taking the reviewer's own statement in these particulars, it humbly appears to us to be inconsistent with itself, and with the propositions that they fulfilled the compact, and that none of the actors of that period were responsible for the events which followed, (p. 125.) If they were bound to protect his person from danger, which they knew to be impending, as here assumed—if they were to treat him with honour and respect, and not to impose force on his conscience, surely it was a breach of such pledges, when they afterwards, not only insisted absolutely on his violating his conscientious, his inflexible, and oft-repeated declaration of aversion to Presbytery as the establishment in England, but delivered him over personally to his implacable enemies, without the slightest security either for his safety or his honour. Even on the reviewer's own shewing, they violated their pledges; and, independently of the

The King having been thus delivered up to the English Republicans and Independents, and the Scottish army having retired within their own territories, in the end of January, 1647, our attention is now called to the proceedings which ensued there, before referring to occurrences of a very outrageous and extraordinary character in England.

On returning into Scotland, the army, under Leven's command, was considerably reduced, without difficulty, to such an amount as was requisite for suppressing the Royalist insurgents in various districts of the Highlands. For this purpose, Middleton and David Leslie were intrusted with the command of the Covenanting forces. The Scottish Estates adjourned, having appointed a Grand Committee to watch the progress of events; and the Royalists were, in the months of March and April, effectually repressed. Strathbogie Castle was stormed, being the chief strength of Huntly, and some other forts in his country were reduced; on one occasion twenty, and on another several more of the prisoners being executed. Many other insurgents, some of them persons of distinction, were taken prisoners, but Huntly eluded pursuit. In the Western Isles, the relics of Montrose's band, who had been joined by a new levy of Irish auxiliaries, were also dispersed and defeated. The castles of the Maedonalds were reduced by D. Leslie. The Irish retreated from Kintyre to Islay, and thence to Ireland, with the exception of about 200, who formed a garrison, but who, being overcome, were all subjected to military execution; and thus, for a time, ended the insurrection in favour of the King in Scotland.\*

The English Parliament was relieved by the arrangement with the Scottish Estates, already detailed, of some portion of its embarrassments; but a very formidable difficulty yet remained in regard to the disposal of its own army. It could not be upheld, at its existing strength, without proving a heavy burden on the country; and, from its character, it was dangerous to have such an army on foot and unemployed. It was, therefore, deemed prudent to select a portion of it for service in Ireland, where the authority of the English Parliament was still unacknowledged and resisted, and to disband the remainder; and, in the beginning of April, a petition was got up, with this view, from the county of Essex, praying for the speedy disbanding of the army; and the county committees which had sprung up in various quarters, excited the jealousy of

taint which the whole proceedings of the Scottish Commissioners received from the pecuniary part of the transaction, the reviewer only aggravates the turpitude of the whole affair by admitting that, in their negotiations with the King, as to this matter, they acted clandestinely and in bad faith towards the English Parliament. This new champion of the Scottish Commissioners, like all his predecessors in the same track, has signally failed in his attempts to vindicate them from the imputations of double dealing, dissimulation, bad faith, and sordid treachery, which has been but too conclusively laid to their charge.

\* Rushworth, part iv., vol. i., p. 448. Thurloe, vol. i., p. 89, 92. Salmonet, p. 253-4.



the nation. On the 9th of April, the Commons resolved that, a fortnight thereafter, they should proceed to "debate the business of the Church for fourteen days together, and, in the interim, no private business to intervene;" and, on the 13th, Commissioners were appointed to go to the army, with propositions to the officers and soldiers, who were to be sent to Ireland. Symptoms of mutiny began to appear in a portion of it, stationed in North Wales, on the subject of arrears. Next day a petition from some of the reduced officers, who served under Fairfax, was read to the House, complaining of certain grievances and craving indemnity. On the 17th, a letter from the Commissioners sent to the army, of which Walden was the General's head-quarters, was received, on the subject of enlisting for Ireland, and a conference took place with the officers who had been appointed to represent the desires of the army to Parliament. The negotiations with the army, as to going to Ireland, proceeded with but small success, and amid much distraction; and, on the 17th, there was a long debate, which was adjourned, whether to disband the army entirely or send it unbroken to Ireland for reducing that kingdom? On the 27th, it was stated that the arrangements, as to Ireland, had been obstructed by some officers in the army, and it was ordered that four of these should be summoned by the serjeant-at-arms to attend the House; and, after a long debate, it was resolved that the whole army should be disbanded, receiving six weeks' pay. The same day, a petition was presented to the Commons by some officers for themselves and their fellow-soldiers, along with a vindication of their proceedings, which was signed by fourteen colonels and lieutenant-colonels, six majors, and an immense number of inferior officers. Nor was this movement confined to the superior officers; for the petty officers and common soldiers were completely organized, under the disguised auspices of Cromwell and Ireton, in a compact confederacy, and selected a committee, consisting of delegates from every regiment, who were distinguished by the name of "Agitators"—a term which has been appropriately revived, in more recent times, to indicate the existence of a similar spirit of insubordination and rebellion. At the period now referred to, England presented all the realities of revolutionary anarchy; and a volcanic power, the elements of which had long been fermenting underneath the English Parliament, was now on the eve of bursting forth ere it could escape that resistless power.\* Like the Prætorian bands of Imperial Rome, the English army now assumed to itself supreme sway in the British empire, imitating the example of an unconstitutional Parliament, by which it had been called into existence, and usurping a power by

which, ere long, that and all civil authority whatsoever was utterly overthrown.

On the 30th of April, the mutinous spirit of the army was conspicuously shewn by the production, in Parliament, of a letter, from some troopers in behalf of eight regiments of cavalry, wherein they expressed their reasons for not embarking in the service to Ireland, and complained of calumnies against them. Three of those who attended as delegates were called in and examined before the Commons. The House were afraid, however, to check these movements vehemently, and appointed Cromwell, Skippon, Ireton, and Fleetwood, to go to the army and pacify the discontents by lavish promises—the very men who were secretly at the bottom of the mutinous movement. Next day, four officers, who had been sent on a similar mission to London, were in attendance; but the House resolved not to call them to the bar; and Fairfax, the commander-in-chief, issued an order that all officers then in London should return to their corps within twenty-four hours. At this time, there was considerable alarm created by rumours that the army was making overtures directly to the King; and (3d May) the Provincial Assembly of London, on the Presbyterian model, assembled for the first time, in conformity with the previous ordinances by the Parliament in April preceding. The new polity was similar to that of Scotland, differing, however, in this particular, that ruling-elders, chosen by the people, were admissible to the kirk-sessions and Classes or Presbyteries, but not to Synods nor General Assemblies; and, in addition to this, the Parliament repudiated the pretensions set up to the divine right of Presbytery, the leaven of sectarian independency being sufficient to counteract and overrule in Parliament, the notions of the Presbyterians in these particulars.

Meanwhile, tidings arrived that Kolkitto (Allaster M'Donald,) a noted Royalist partisan, was ravaging Argyle, and that David Leslie had gone in quest of him. A petition was presented by some London citizens to the Commons as "the supreme authority of Parliament," an expression which it affected at the time to dislike, although soon afterwards that authority was assumed by it. On the 7th of May, the Parliamentary Commissioners opened their conference for quieting "distempers in the army;" but these rather increased, and the common soldiers disputed the right of their officers to compromise them without previous consultation—a circumstance sufficiently indicative of the insubordination and bad spirit that had been fostered among the troops, amounting, at the time, to above 20,000 in number. Letters from the Commissioners to the army were received on the 11th, intimating that they had prolonged the time for the officers to "treat" with the soldiers. The tremour of Parliament in these circumstances may be inferred from the resolution to add a fortnight's pay to that of six weeks' previously agreed to be given at disbanding the army, with six weeks' pay additional even to that, for all who should

\* The fire in the cavern of Etna concealed,  
Still mantles unseen in its secret recess;  
At length in a volume terrific revealed,  
No torrent can quench it, no bounds can repress.  
BYRON.



volunteer to go to Ireland; yet all this did not allay the "distempers" among the soldiery, who, on the 15th, appointed committees out of every troop and company for the management of their joint concerns, and were thus organized into a deliberative body, in contempt of the authority of Parliament.\*

At the time now referred to, the King intimated that he was ready to give answers to the propositions formerly sent him to Newcastle; and, on the 18th, of May, his Majesty's answers were communicated to both Houses. These were, in substance, that he desired to go to London, and was willing to settle the Presbyterian polity in England for three years; that he would ratify the Westminster Assembly, provided some clergy, to be named by him, were added to it, in order to deliberate on the form of church-government that should be established after the lapse of these three years, and provided that he and his household should be free to adhere to the old form and use the Book of Common Prayer; that he would relinquish the command of the militia for ten years, to return to the Crown at the end of that time, &c. The House of Peers, on reading this letter, referred it to a committee, and the Commons agreed to take it into consideration some days after. On the same day, letters from the Commissioners to the army were received, setting forth the great weight and importance of their negotiations. On these, the Commons passed a resolution, that all the forces in the kingdom that would not go to Ireland should be disbanded, and remitted to the Committee at Derby House to consider of the time and manner of disbanding; and one or two of the Commissioners were ordered up to give an account of their proceedings. Next day was wholly spent in debating on the Confession of Faith, and the debate adjourned.

On the 20th, another petition to the Commons, as "the supreme authority," was discussed and rebuked; and the Lords took into consideration that part of the King's letter which referred to his going to London. After debate, it was agreed that he should go to Oatlands—the Commons concurring. The Provincial Assembly met in the Convocation House of St Paul's. Next day an indemnity bill was passed, in both Houses, in favour of all who had acted under the orders of Parliament during the troubles. The army Commissioners reported to the House, and accounts were received, that all the troops had returned to their quarters, and discipline was again restored, under Fairfax, at Walden. At this crisis, a letter in ciphers, from Ashburnham to the King, was intercepted: it recommended to the King not to make an absolute agreement with the Parliament, as, peace being restored betwixt Spain and Holland, he might depend on a large auxiliary force from the former.

On the 25th of May, the Committee of Commons made their report as to the mode of disbanding the army on the 3d and 5th of June, at different sta-

tions; but these being promulgated, tidings arrived, on the 28th, that the troops were dissatisfied with the arrears proposed to be given them. In a council of war, on the 29th, which was called by Fairfax on this subject, it was voted, by about 200 officers, (six only being satisfied,) that the rate of payment was unsatisfactory as to the soldiers: and among the reasons stated for this conclusion, it was intimated that the soldiers would rendezvous without their officers, and tumults and plunder would ensue. This was rendered certain by a petition to the General, signed by the "Agitators, in behalf of the several Regiments," claiming a redress of their grievances, which daily increased, and remonstrating against any disjunction of the army before being satisfied and disbanded. This was followed by letters from the General to both Houses, dated the 30th of May, and received on the 1st of June, intimating that the dissatisfaction was rather aggravated than lessened, and that he was "forced to yield to something out of order, to keep the army from disorder." Quailing before the rising storm, the Houses of Parliament hastily resolved that the common soldiers should get the whole of their arrears, instead of a moiety, and ordered a former declaration against the army to be erased from the journals of both Houses; but, by this time, several corps were on their march, concentrating, not only without but against the orders of their officers.

It were a tedious, though not perhaps an uninteresting task, to trace all the turnings and windings of the negotiations which ensued betwixt the English Parliament and the army at this critical period; but it would be unsuitable in this sketch. It may be sufficient, therefore, merely to state that, on the 4th of June, a party of the troopers, under the command of Joyce, a cornet of dragoons, seized the King's person; that, subsequently, the demands of the army became more bold and extensive; that, instead of being confined to demands for payment of arrears, &c., they adopted the language and the principles of the Parliament itself; and, in the assumed character of citizens and patriots, they insisted on certain high points of national policy, which are competent only to the supreme legislature of a country, dictating, in terms the most imperative, the conditions on which Parliament should be constituted, and the constitution modelled; and, in short, assuming the complete control of national affairs, and superseding both King and Parliament. To complete the humiliation of Parliament, both Houses were beset by a rabble of the London apprentices on the 26th of July, and literally dissolved and dispersed by the mob. In order to enforce their pretensions and demands, the army advanced gradually, during the progress of the negotiations, towards the metropolis, and finally encamped at Hounslow Heath, in the immediate vicinity of London, in the beginning of August, 1647, to the number of 20,000 men, in a high state of appointment and unity. For some time, the Houses of Parliament made a shew of resistance, and pre-

\* Rushworth, part iv., vol. i., p. 485.



pared to oppose any approach of the army to London, by calling out the city militia and trained bands; but, as the danger advanced, and tumults grew around them, their courage gradually abated. Several members who were obnoxious to the mutineers, were obliged, in compliance with the peremptory demand that the House should be "purged," to retire from the Commons; and, finally, all attempts at resistance were abandoned, and many of the members fled or took refuge in the army, with a weakness and pusillanimity which is only to be paralleled in the previous arrogance displayed by themselves in all their encroachments on the prerogatives of the monarchy. Without, however, dwelling longer on this topic, or enumerating any of the particulars which characterised the movements in England, we proceed to bring under the reader's notice the Acts of the General Assembly in Scotland, which met on the 4th of August, 1647. The same day, the English army entered the city of London without the slightest resistance; thus assuming a supreme and commanding power over the nation.

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## THE PRINCIPALL ACTS

OF THE GENERALL ASSEMBLY MET AT EPINBURGH,  
AUGUST 4, 1647.

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August 16, 1647. Post Meridiem. Sess. II.

*Act allowing the half of the Ministers in the Presbyterie of Zetland only, with their Ruling Elders, to keep the Provinciaill Assembly.*

THE Generall Assembly, Understanding that the whole Members of the Presbyterie of Zetland, adjoynd to the Provinciaill of Caithnes and Sutherland upon weighty considerations by the preceeding Assembly, cannot be present at the meetings of that Provinciaill, without great prejudice to the particular Congregations within that Presbyterie, and many other inconveniences; That Isle being of great distance from Land, and the passage from and to the same being uncertaine and dangerous: Doe therefore Declare and Ordaine, That the whole Ministers and Elders of the Presbyterie of Zetland, shall not be tyed hereafter to come to the meetings of their said Provinceall; But that the half of the number of the Ministers with their Ruling Elders, shall be onely obliged to keep the meetings of the said Provinciaill Assembly in time coming.

20 August, 1647. Ante Meridiem. Sess. XV.

*A Declaration, and Brotherly Exhortation of the Generall Assembly of the Church of Scotland, to their Brethren of England.*

THE conscience of our dutie to God obliging us to give a testimony to his Truth, and to the Kingdom of his Sonne Jesus Christ, now so much resisted and opposed by many, and so little owned

by others: The laudable custome and example of correspondency between Neighbouring Churches, exhorting, encouraging, and (in case of publike scandall) admonishing in love one another, as well as single Brethren ought to admonish one another in love, in the case of private offence: Our nearer relation and more speciall affection to our Brethren of England, making us to sympathize with them in their danger and affliction as our own, both Kingdomes being united as one entire Body in one Covenant, for pursuing the common cause and ends therein expressed: Yea, common reason and experience it self teaching us that wee have no cause to conceive our Religion, the liberties of this Church, or our selves to be in a condition of safety, when ever the enemies of our Religion and Liberties are growing to a prevalency in the Neighbour Kingdom. Any one of these considerations, much more all of them together, cry aloud upon us to break our silence in this present Juncture of Affaires; yet wee hope to expresse our selves both concerning the present Dangers and present Duties, as in a conscionable and Brotherly freedome, so in a fair and inoffensive way; for wee have no pleasure nor purpose to provoke any Person or Party whatsoever, nor to encrease, but to endeavour the allaying and composing of the present unhappy differences. If any shall offend at our discharging our conscience and doing our duty, yet wee shall rather choose to take our hazard of that, then of displeasing God by neglect of duty. But we hope better things, then to be mis-understood, or mis-interpreted by such as desire a candide interpretation of their owne actions or expressions.

First of all, whatsoever the present discouragements, difficulties or dangers are, or whatsoever for the future they may bee, we cannot but commemorate to the glory of God, and we doubt not it shall be remembered to his glory in the Church throughout all ages, How great a salvation his Mighty Hand and Outstretched Arme hath wrought for these three Kingdomes; How he stirred up the Spirits of his People in this Kingdome ten yeares agoe, to begin to shake off the Yoke of Prelaticall tyrannie, and of Popish Ceremonies obtruded upon us, contrary to the Lawes of God and Men; How he led us on from so small beginnings, and from one degree to another, till wee were United in a Nationall Covenant; How he gave us a Banner to bee displayed for the Truth, and so blessed us in the prosecution of that Covenant, that the Kings Majesty was graciously pleased upon the humble Petitions of his Loyall Subjects in this Nation, to indict a Generall Assembly and Parliament for healing the grievances of Church and State respectively, As likewise to grant his Royall consent for Confirming and Ratifying by Acts of Parliament our Nationall Covenant, and the Government and Liberties of this Church. After which the new Troubles raised against us by the malice and treachery of our enemies, did occasion the first expedition of this Nation into England, (upon which followed the calling of the Parliament there, and the large Treaty) and in the issue, the return of that Army was with an Olive branch of Peace, and not without the beginnings of a Reformation in England: In which work while the Parliament was interrupted and opposed, and a bloody War begun with great successe on that side which opposed the Parliament and the begun Reformation, from whence also did accrew great advantage to the Popish Party (whereof the Cessation of Arms concluded in Ireland may be in stead of many testimonies;) Commissioners were sent hither from both Houses, earnestly inviting and



perswading to a nearer Union of the Kingdomes, and desiring Assistance from this Nation to their Brethren in that their great distresse; And this by the good Hand of God produced the Solemne League and Covenant of the three Kingdomes, to the terrour of the Popish and Prelaticall party our common Enemies, and to the great comfort of such as were wishing and waiting for the Reformation of Religion, and the recovery of just Liberties. And although for the conjunction of the Kingdomes in Covenant, and Armes (being a speciall means tending to the extirpation of Popery, and strengthening the true Reformed Religion) this Kingdome hath been invaded and infested by the bloody Irish Rebels, aided and strengthened by some degenerate and perfidious Countrey-men of our owne: Although also in England there were not wanting incendiaries, who hating and envying nothing more then the Union of the Kingdomes in such a Covenant, were very vigilant to catch, and active to improve all occasions of making divisive motions, and creating Nationall Differences; Yet God hath been graciously pleased to break our Enemies strength at Home when it was greatest, and to guide us through these Jealousies and Differences fomented by disaffected Persons between the Kingdomes; So that in stead of a splitting upon these Rocks (the thing hoped for by our Enemies) there was a peaccable and friendly parting: Since which time God hath further blessed our Army at Home, to the expelling of the Enemie out of our own Borders. Nor can we passe in silence the happy progresse which hath been made in the Reformation of the Church of England; He that hath brought the Children to the birth, can also give strength to come forth; And hee whose hand did cast out Prelacie and the Book of Common Prayer (although strongly rooted in standing Lawes;) and who enlined the Parliament of England to Owne no other Church Government but the Presbyteriall, (Though it bee not yet fully settled according to the Word of God, and the example of the best Reformed Churches) can as easily encline when hee thinks good both the King and them, and the body of that Kingdome to a thorow and perfect Reformation. He that made the Assemblies and Parliaments of both Kingdomes to agree upon one Directory for the Publike Worship of God, can also when he will make an agreement in the other Parts of Uniformitie, Confession of Faith, form of Church Government, and Catechisme; In all which there hath beene also a good progresse made in the Reverend and Learned Assembly of Divines through the good hand of God so long upon them.

Having now seen so much of God both in the beginning and progresse of this his great Work; And his Hand having done so wondrous things for his People in their greatest extremities of danger, and having discovered and defeate the plots of Enemies, making them fall even by their own Counsels; These things wee resolve to keep still fixed in our hearts, and as memorials before our eyes, that remembering the Works of the Lord, and the Years of the Right Hand of the most High, wee may neither want matter of Praises and Thanksgivings, nor experience to breed hope. Although the building of the House of the Lord in England be not yet, after so long expectation, finished, and now also the Work ceaseth; Yet wee doe from our hearts blesse the Lord for the laying of the Foundation, and for so much progresse as hath been made in the Work; Having still confidence in the Almighty, to whom nothing is impossible or too hard, that every Mountaine which doeth or shall stand in the way shall become a plaine, and that the Head-Stone

shall bee brought forth with shoutings of Joy, Grace, Grace unto it.

Nevertheless, we are also very sensible of the great and imminent dangers into which this Common Cause of Religion is now brought by the growing and spreading of most dangerous errours in England, to the obstructing and hindering of the begun Reformation, as namely (beside many others) Socinianisme, Arminianisme, Anabaptisme, Antinomianisme, Brownisme, Erastianisme, Independency, and that which is called (by abuse of the word) Liberty of Conscience, being indeed Liberty of Errour, Scandall, Schisme, Heresie, dishonouring God, opposing the Truth, hindering Reformation, and seducing others; Whereunto we adde those Nullifidians, or men of no Religion, commonly called Seekers: Yea, wee cannot but look upon the Dangers of the true Reformed Religion in this Island, as greater now then before; Not onely for that those very principles and fundamentals of Faith which under Prelacy, yea, under Popery it self, were generally received as uncontroverted, are now by the Scepticisme of many Sectaries of this time either oppugned, or called in question; But also, because in stead of carrying on the Reformation towards perfection, that which hath beene already built is in part cast down, and in danger to be wholly overthrowne through the endeavours of Sectaries to comply with many of the Prelaticall and Malignant, and even the Popish party; and their joyning haud in hand, and casting in their lots, and interweaving their interests together in way of Combination, against the Covenant and Presbyteriall Government; Yea, the nuclean spirit which was cast out, is about to enter againe with seven other spirits worse than himselfe, and so the latter end like to be worse then the beginning.

We are extremely sorry that we have cause to aggravate these evils from the crying sin of breach of Covenant; Whereof if we should hold our peace, yet according to the Word of the Lord, other Nations will say, and many among them do say, Wherefore hath the Lord done thus unto this People? and what meaneth the heat of this great anger? And they answer one another, Because they have forsaken the Covenant of the Lord their God. We would not be understood as if we meant either to Justifie this Nation, or to charge such a sin upon all in that Nation. We know the Covenant hath been in divers particulars broken by many in both Kingdomes, the Lord pardon it, and accept a Sacrifice; And wee doe not doubt but there are many seven thousands in England who have not onely kept themselves unspotted, and retained their integrity in that businesse, but doe also mourne and groane before the Lord for that sin of others. Yet we should but deny our own sence and betray the Truth, if we should not resent so great a sinne and danger, as is the breach of a Solemne Covenant, sworn with hands lifted up to the most High God: Which breach however varnished over with some colourable and handsome pretexts, one whereof is the Liberty and Common Right of the free People of England, as one Saul brake a Covenant with the Gibeonites, In his Zeal to the Children of Israel and Judah: Yet God could not then, and cannot now be mocked; Yea, it is too apparent and undeniable, that among those who did take the Covenant of the three Kingdomes, as there are many who have given themselves to a detestable indifferency or neutralitie, so there is a Generation which hath made defection to the contrary Part; Persecuting as far as they could that true Reformed Religion, in Doctrine, Worship, Discipline, and Go-



vernment, which by the Covenant they ought to preserve against the common Enemies; hindering and resisting that Reformation and Uniformity, which by the Covenant ought to be endeavoured; preserving and tolerating those cursed things which by the Covenant ought to be extirpate; especially Heresie and Schisme, encroaching upon, yea offering violence unto the Rights, Priviledges, and Authority of Magistracie; Protecting and assisting such as by the Covenant ought to have been brought to condigne triall and punishment, and persecuting those who by the Covenant ought to be assisted and defended; Endeavouring also a breach in stead of a firme Peace and Union between the Kingdomes: So that there is not any one Article of the Solemne League and Covenant which hath not been sinfully and dangerously violated before God, Angels, and Men. Now if a Covenant for the Preservation and Reformation of Religion, the Maintenance and Defence of Liberties was justly thought a fit and excellent means, not only to strengthen and fortifie the Kingdomes against the common Enemie of the true Reformed Religion, publike Peace and Prosperity, But also, to acquire the favour of Almighty GOD towards the three Kingdomes, of England, Scotland, and Ireland, as is expressed in the Ordinance of the Lords and Commons for the taking of the Covenant, dated February 2, 1643. Surely then the Authours and chief Instruments of the breach of that Covenant, are to be looked upon as those who strengthen the hands of the common Enemie, and provoke the wrath of Almighty God against these Kingdomes. Yea, if this Covenant was the Sovereigne and onely meanes of the recovery of those embroiled bleeding Kingdomes, as is expressed in the exhortation of the Assembly of Divines to the taking of the Covenant, approved and ordered to be Printed by the House of Commons; The despising, refusing, and casting aside of that remedy, must needs render the disease much more desperate. And if by the Declaration of both Kingdomes joyned in Arms, Anno 1643, such as would not take the Covenant were declared to be publike Enemies to their Religion and Countrey, and that they are to be censured and punished as professed Adversaries and Malignants. Who seeth not now a strange falling away from these first Principles and Professions, among these who either magnifie and cry up, or at least connive at and comply with such as have not taken the Covenant, yea, are known Enemies to it, and cry down such as are most zealous for it?

In this case, while in the Neighbour Kingdom, the staves of Beauty and Bauds, Covenant and Brother-hood are broken by many, the horne of Malignants and Sectaries exalted, the best affected born down, Reformation ebbing, Heresie and Schisme flowing; It can hardly be marvelled at by any Person of prudence and discretion, if we be full of such feares and apprehensions as use to be in those who dwell near a House set on fire, or a Family infected, especially being taught by the sad experience of the Prelaticall times, how easily a Gangrene in the one half of this Island may spread through the whole; Knowing also the inveterate and insatiable ulcice of the Enemies of this Cause and Covenant against this Church and Kingdome; which we cannot be ignorant of, unlesse we would shut our eyes and stop our ears.

Our present purpose leadeth us to touch somewhat of the proceedings of the Army in England this Summer, so far as Religion is therein concerned; As wee are confident, divers have gone along with them in the simpliciety of their hearts, and we presume not to judge the thoughts and intentions of

any, it being Gods owne prerogative, 'to bring to light the hidden things of darknes, and to make manifest the counsels of the hearts; So it cannot be denied, that upon these passages and proceedings hath followed the interrupting of the so much longed for Reformation of Religion, of the settling of Presbyteriall government, and of the suppressing of heresies and dangerous errors, (which works the Parliament had taken in hand) the retarding and delaying the relief of Ireland, the sowing of the seeds of another War in England, the strengthening of the hands of the Malignant and Episcopall party, the weakuing and wounding both of Magistracy and Ministry: In all which, whether the Army be blamelesse and innocent, from ministring occasion to so great evils, or whether there be not cause for them to repent and do the first works, and to practise more of that love, moderation, and meeknesse of Spirit, and of that zeal against Malignants and Prelaticall persons, which they have from the beginning professed, and the want whereof (when suspected in others) they did so much censure; or whether there be such a thing among them, as adjoyning with those against whom, and against those with whom the Covenant was taken; We leave them in all these to the search and examination of their own consciences, that they may stand or fall unto God. For our part, we cannot conceive how the late Proposals of that Army for settling of a Peace, do in point of Religion consist with the Solemn League and Covenant, or with the Propositions of Peace, formerly agreed upon by both Kingdomes; there being so considerable omissions of divers materiall desires contained in those former Propositions, concerning the abolition of Prelacy; concerning the injoyning of the taking of the Covenant by all his Majesties Subjects, under such penalties as the Parliaments should agree upon; concerning the settling of religion in England and Ireland, according to the Covenant, in such manner as both Houses of Parliament shall agree on, after advice had with the Assembly of Divines; concerning the settling of uniformity between the Churches of God in both Kingdomes, according to the Covenant, in such manner as shall be agreed on by both Houses of the Parliament of England, and by the Church, and Kingdome of Scotland, after advice had with the Divines of both Kingdomes; Also concerning an Act of Parliament to confirm the calling and sitting of the Assembly of Divines: All which, with some other particulars concerning Religion, expressed in the former Propositions, if they should now be omitted in the settling of a Peace, the progresse already made, not only in the Assembly of Divines, but in the Houses of Parliament in settling Presbyteriall Government, with the Confession of Faith, yea the Directory of publike Worship (though agreed upon by the Assemblies and Parliaments of both Kingdomes) shall be but so much lost labour. But beside these omissions it may be justly doubted whether there be not in these Proposals of the Army, somewhat for Episcopacy, and against the Covenant; For wee cannot understand the eleventh Proposall, in any other sense, but that it supposeth the continuance of the Ecclesiasticall office of Bishops or Prelats, as well as of any other Church Officers, and taketh no more from the Prelats, but coercive power or jurisdiction extending to civill penalties, which indeed belongeth to no Ecclesiasticall Officers. In the twelfth Proposall, we do not see, how it can avoid or shun the toleration of Popery, Superstition, Heresie, Schisme, Profanennesse, or whatsoever works of darknesse shall be practised by such as despise he publike Worship of God in the Church, and



have the most unlawfull and wicked meetings elsewhere under a profession of Religious duties, exercises or ordinances. From the thirteenth Proposall, wee can make no other result, but that in stead of enjoyning the taking of the Covenant, under such penalties as the Parliaments in their wisdoms shall agree upon, the former ordinance of Parliament enjoyning the taking of it, is desired to be repealed : and then what may bee the danger of those that have taken, or shall take an oath of that kinde, not enjoyned nor ratified by authority, wee leave it to bee judged by those who know best the Lawes of that Kingdome.

One thing more wee cannot passe, that whereas in the Armies Declaration, or Representation to the Parliament, dated June 14, 1647, they mention their Brethren of Scotland, as having proceeded in the vindication and defence of their just rights and liberties, much higher than that Army hath done ; Wee are necessitated to say this much for clearing of these proceedings in this Nation reflected upon : They of this Church and Kingdom who joyned together and associated themselves in this Cause, first by humble Petitions, and afterwards by Covenant, were so far from slighting or breaking that Covenant which was taken, that it was the special visible character by which the friends of the Cause were distinguished from the enemies thereof ; and they were so far either from crying down the Ministry and Ecclesiasticall Assemblies, or from disobeying any Orders or Commaunds of Parliament, that a Generall Assembly of the Church, and a Parliament, were two chief Heads of their Petitions and desires, at that time when they had neither ; And when they had obtained a Generall Assembly and Parliament, they chearfully submitted to both respectively.

And now the dangers of Religion in this Island being so great, as there hath been lately a Solemne Humiliation throughout this Land, upon occasion of these great and growing dangers ; so we cannot but still look upon them as matters of frequent Prayer and Humiliation to our selves as well as our Brethren in England ; there being much sin in both Kingdomes procuring all this evill, and justly deserving these, and heavier judgements. And as wee desire in the first place to be humbled for our own sins, and the sins of this Nation, so we trust, our Brethren will bee willing to be put in minde of the necessity of their Humiliation and Repentance for the Nationall sins of that Kingdome ; which wee shall wish rather to be sadly considered by them, then expressed by us. One thing we are confident of, that God hath had a speciall controversie against his People of old for the sin of a broken Covenant, and unwillingnesse to bee Reformed and Purged according to the Word of the Lord ; and that till these sinnes were acknowledged and repented, his controversie did not take an end. We are no lesse confident that the godly and well affected will in tenderness of conscience timely search out, weigh well, mourn for, and study to remove all the causes of the Lords present controversie against that Nation. What the honourable Houses of Parliament have to bee humbled for, and to reform or amend, they have been (and we trust still are) put in minde by such as are Ambassadors to them in Christs stead at their solemn humiliations. For our part, as we have alwayes mentioned them in our prayers, with thanksgivings also in their behalfe, so we now most humbly beseech the Lord, to direct and bless them, and in their present difficulties to keep them by his Grace from all sinfull compliance, especially from establishing iniquity by a Law ; to shew them

why ne contendeth with taem, that the true cause of his controversie may be removed, and that the glory of his Name, the Kingdome, Crown, and Scepter of his Son Jesus Christ, with his Word, Lawes, Ordinances, Truth, Ministers, may be yet more set by in their eyes, that they also may finde a further performance of the Word of the Lord : Exalt her and she shall promote thee. And, them that honour mee, I will honour.

We shall now by the mercies of God, and in the bowels of Jesus Christ, earnestly beseech all those of whatsoever quality or condition in England, who have entred into the same League and Covenant with us, and especially the Houses of Parliament, the City of Londou, and Assembly of Divines, that with sound Humiliation, fervent Prayer, and making sure their Peace with God, they may joyne all care, faithfulness and zeal, to hold fast the profession of their Faith without wavering, against the many heresies and errors of these times ; that they may according to their places and callings endeavour to the utmost of their power to prevent or hinder the laying aside or slighting of the Covenant, the re-establishment of Episcopacy, and the toleration of Popery, Prelacy, Heresie, Schisme, Superstition, or Profanenesse, and not suffer themselves, directly or indirectly, by whatsoever combination, perswasion or terrour, to bee divided and withdrawn from that blessed Union and Sacred Covenant, either to the contrary side, or to a neutrality in this Cause, which so much concerneth the glorie of God, the good of the Kingdomes, and the Honour of the King ; but all the dayes of their lives zealously and constantly continue therein against all opposition, and promote the same according to their power against all lets and impediments whatsoever, which things both they and wee have solemnly and in the sight of God sworn unto. And as we desired them to rest confident of the constancy of their Brethren in this Nation, in adhering to that Covenant in all the Articles thereof, which we shall by the Grace of Christ (without which we are nothing) sincerely, really, and constantly pursue and promote, so far as concerneth our Places and Callings ; using our utmost endeavours towards the suppression of those errors, which have so dangerously hurt Religion in this Island : So, we expect confidently the like of our Brethren in England united in Covenant with us, and that what ever they may have cause to fear or bee called to suffer, yet the Lord will so strengthen them by his grace, as that they may be able to say, All this is come upon us, yet have we not forgotten thee, neither have we dealt falsely in thy Covenant. And here is the wisdom and patience of the Saints, to choose affliction rather than iniquity, to do duty in the worst of times, and to trust God with events, and in so doing, to hope to the end and wait upon the Lord, untill hee plead their cause and execute judgement for them : So shall they bee more purified and not made blacker (as, alas, some are) but whiter in times of tryall.

More particularly, wee do desire that Presbyteriall Government may be settled and put in practise throughout that Kingdom, according to the Word of God, and example of the best Reformed Churches : for without this wee know no other proper and effectually remedy against the present dangers of Religion there, or for purging the Church from scandals, which are destructive either to sound Doctrine, or to Godlinesse : And herein we are confident, the experience of all the Reformed Churches will bear witness with us. Nor do we doubt but in England also, time and experience will more and more commend, not only the beautifull order, but the great



utility, yea, necessity of this Government, and dispell all the clouds of aspersions and prejudices which it lieth under among such as know it not, who ought therefore to beware of speaking evill of the things they understand not. Yet we would not have our zeal for Presbyteriall Government mis-understood, as if it tended to any rigour or domineering over the flock, or to hinder and exclude that instructing in meeknesse them that oppose themselves, which the Apostolicall rule holds forth; or as if wee would have any such to bee intrusted with that Government, as are found not yet purged, either from their old profaness, or from the Prelaticall principles and practises which were but to put a piece of new cloath unto an old garment, and so to make the rent worse; or to put new wine into old bottles, and so to lose both wine and bottles. Yea who knows whether this may not be one of the causes, (and not the least) why the present Reformation succeeds the worse, even because of so little repentance, either for the profaness, or Prelaticall errors and corruptions of divers who have acted in it: Neverthelesse, the right hand of fellowship is to bee given to all such as bring forth fruits meet for repentance, whatsoever their former errors or failings were. And to our great joy, we understand that there are many learned, able, godly, and prudent Ministers in that Kingdome, fit to be employed in that Government, together with such able and pious men, as are to be joyned with them in the capacity of ruling Elders. It shall be a part of our prayers, that the Lord of the Harvest may send forth many more labourers in that Kingdome, where the Harvest is so great, and the Labourers so few proportionably; and in the meane while, that such as he hath already thrust out, may not be unemployed, as to the point of Discipline and Government.

Nor lastly, doth our zeal for the Covenant and Presbyteriall Government abate or diminish any thing at all from our Loyalty and Duety to the Kings Majesty, although Incendiaries and Enemies spare not to reproach this Church and Kingdome with Disloyaltie; Yet such calumnies will easily be repudiate by all who will examine the whole course of the publike proceedings in this Nation, in reference to the King; and particularly the Declaration of the Parliament of this Kingdome, dated January 16, 1647. Wherefore passing all such calumnies, which cannot but be hatefull to God and good men, wee do clearly and candidly professe, That the Covenant and Presbyteriall Government are so far from hindering or excluding our duety to the King, that it is thereby very much strengthened and supported; for our giving to God what is Gods doth not hinder us, but help us, to give unto Caesar what is Caesars. And wee earnestly wish his Majesties Royall heart may bee graciously inclined to the just desires of his good Subjects in both Kingdomes, and to that happy settlement of Truth and Peace, Religion and Righteousnesse, which may bee as well for the establishment of his own Throne, as for the good of his people.

Now the Prince of Peace Himself, grant this afflicted People, tossed with tempests and not comforted, a safe and wel-grounded Peace, bring light out of the present darknesse, and order out of all these confusions, give unto all who are waiting for the consolation of Israel good hope through grace, comfort their hearts, stablish them in every good word and work, make his Cause to triumph at last over all opposition, and the enemies foot to slide in due time, and so put a new Song of praise in the mouths of his people. AMEN.

24 August, 1647. Ante Meridiem. Sess. XIX.

*Act for observing the Directions of the Generall Assembly for Secret and Private Worship, and mutuall edification, and for censuring such as neglect Familie Worship.*

THE Generall Assembly, after mature deliberation, doth approve the following Rules and Directions, for cherishing Piety and preventing Division and Schisme, and doth appoint Ministers and Ruling Elders in each Congregation to take speciall care that these Directions be observed and followed; As likewise that Presbyteries and Provinciaall Synods enquire and make tryall whether the saids Directions bee duely observed in their bounds, and to reprove or censure (according to the quality of the offence) such as shall bee found to bee reproveable or censurable therein. And to the end that these Directions may not be rendred ineffectuall and unprofitable among some through the usuall neglect of the very substance of the duty of Familie Worship, The Assembly doth further require and appoint Ministers and Ruling Elders, to make diligent search and enquiry in the Congregations committed to their charge respectively, whether there bee among them any Family or Families which use to neglect this necessary duty; And if any such Family be found, the head of that Family is to be first admonished privately to amend this fault; And in case of his continuing therein, he is to be gravely and sadly reproved by the Session. After which reproof, if he be found still to neglect Familie Worship, Let him be for his obstinacy, in such an offence, suspended and debarred from the Lords Supper, as being justly esteemed unworthy to communicate therein till he amend.

*The Directions of the Generall Assembly, for Secret and Private Worship and mutuall edification, for cherishing Piety, for maintaining Unitie, and avoiding Schisme and Division.*

BESIDES the publike Worship in Congregations, mercifully established in this Land, in great purity; It is expedient and necessary, that Secret Worship of each person alone, and Private Worship of Families be pressed and set up: That with Nationall Reformation, the profession and power of Godlinesse both Personall and Domestick bee advanced.

I. And first for Secret Worship; It is most necessary, that every one apart and by themselves be given to Prayer and Meditation, The unspeakable beuefit whereof is best known to them who are most exercised therein: This being the meane whereby in a speciall way communion with God is entertained, and right preparation for all other duties obtained: And therefore it becometh not onely Pastors, within their severall Charges, to presse Persons of all sorts to performe this dutie Morning and Evening, and at other occasions, but also it is incumbent to the head of every Family, to have a care that both themselves and all within their charge be daily diligent herein.

II. The ordinar duties comprehended under the exercise of Pietie, which should be in Families when they are convened to that effect, are these: First, Prayer and Praises performed, with a speciall reference as well to the publike condition of the



Kirk of God and this Kingdome, as to the present ease of the Familie, and every member thereof. Next, Reading of Scriptures with Catechizing in a plaine way, that the understandings of the simpler may be the better enabled to profit under the publike Ordinances, and they made more capable to understand the Scriptures when they are read; Together with godly conferences tending to the edification of all the members in the most holy faith: As also, admonition and rebuke upon just reasons from these who have Authority in the Familie.

III. As the Charge and Office of interpreting the holy Scriptures, is a part of the Ministerial calling, which none (howsoever otherwise qualified) should take upon him in any place, but he that is duely called thereunto by God and his Kirk: So in every Familie where there is any that can read, The holy Scriptures should be read ordinarily to the Familie; And it is commendable that thereafter they confer, and by way of conference make some good use of what hath bene read and heard: As for example, if any sin be reproved in the Word read, use may be made thereof, to make all the Familie circumspect and watchfull against the same; Or, if any judgement be threatned or mentioned to have bene inflicted in that portion of Scripture which is read, use may be made to make all the Familie fear, lest the same or a worse judgement befall them, unlesse they beware of the sin that procured it: And finally, if any duty be required, or comfort held forth in a promise, use may be made to stirre up themselves to imploy Christ for strength to enable them for doing the commanded duty, and to apply the offered comfort; In all which the Master of the Familie is to have the chief hand. And any member of the Familie may propone any question or doubt for resolution.

IIII. The head of the Familie is to take care that none of the Familie withdraw himself from any part of Familie Worship: And seeing the ordinar performanee of all the parts of Family-worship belongeth properly to the head of the Familie, The Minister is to stirre up such as are lasie, and traine up such as are weak to a fitnessse for these exercises. It being alwayes free to persons of qualitie to entertain one approved by the Presbyterie for performing Familie Exercise; And in other families where the head of the Familie is unfit, that another constantly residing in the Familie approved by the Minister and Session, may be imployed in that service; Whercin the Minister and Session are to be countable to the Presbyterie. And if a Minister by divine providence be brought to any Familie, It is requisite, that at no time he convene a part of the Familie for Worship secluding the rest; Except in singular cases, specially concerning these parties, which (in Christian prudence) need not, or ought not to be imparted to others.

V. Let no Idler who hath no particuler calling, or vagrant person under pretence of a calling, be suffered to perform Worship in Families, to or for the same: Seeing persons tainted with errorrs or aiming at division, may be ready (after that manner) to creep into houses and lead captive silly and unstable souls.

VI. At Family Worship a special care is to be had, that each Familie keep by themselves; Neither requiring, inviting, nor admitting persons from divers Families; Unlesse it be these who are lodged with them or at meal, or otherwise with them upon some lawfull occasion.

VII. Whatsoever hath been the effects and fruits of meetings of persons of divers Families in the times

of corruption or trouble (in which cases many things are commendable, which otherwise are not tolerable) Yet when God hath blessed us with Pease and the purity of the Gospel, such meetings of persons of divers Families (except in the cases mentioned in these Directions) are to be disapproved, as tending to the hinderance of the Religious exercise of each Familie by it self, to the prejudice of the publike Ministry, to the renting of the Families of particular Congregations, and (in progresse of time) of the whole Kirk; besides many offensees which may come thereby, to the hardning of the hearts of carnall men, and grief of the godly.

VIII. On the Lords Day, after every one of the Familie apart, and the whole Familie together have sought the Lord (in whose hands the preparation of mens hearts are) to fit them for the publike Worship, and to blesse to them the publike Ordinances; The Master of the Familie ought to take care that all within his charge repair to the publike Worship, that he and they may joyne with the rest of the Congregation; And, the publike Worship being finished, after prayer, he should take an account what they have heard, And thereafter to spend the rest of the time which they may spare, in Catechizing and in spirituall conferences upon the Word of God; Or else (going apart) they ought to apply themselves to reading, meditation, and secret prayer, that they may confirme and increase their Communion with God; That so the profit which they found in the publike Ordinances may be cherished and promoted, and they more edified unto eternall life.

IX. So many as can conceive prayer, ought to make use of that gift of God: Albeit these who are rude and weaker may begin at a set form of prayer; But so, as they be not sluggish in stirring up in themselves (according to their daily necessities) the spirit of prayer, which is given to all the children of God in some measure. To which effect, they ought to be the more fervent and frequent in secret prayer to God, for enabling of their hearts to conceive, and their tongues to expresse convenient desires to God for their Familie. And in the mean time, for their greater encouragement, let these materials of prayer be meditated upon, and made use of, as followeth.

Let them confesse to God how unworthy they are to come in his presence, and how unfit to worship his Majesty; And therefore earnestly ask of God the spirit of prayer.

They are to confesse their sins, and the sins of the Familie, accusing, judging, and condemning themselves for them, till they bring their souls to some measure of true humiliation.

They are to pour out their souls to God, in the Name of Christ, by the spirit, for forgiveness of sins, for Graace to repent, to believe, and to live soberly, righteously, and godly; and that they may serve God with joy and delight, walking before him.

They are to give thanks to God for his many mercies to his People, and to themselves, and especially for his love in Christ, and for the light of the Gospel.

They are to pray for such particular benefits, Spirituall and Temporall, as they stand in need of for the time, (whether it be Morning or Evening) as health or sicknesse, prosperitie or adversitie.

They ought to pray for the Kirk of Christ in general, for all the Reformed Kirks, and for this Kirk in particular, and for all that suffer for the Name of Christ, for all our Superiours, The Kings Majesty, the Queene, and their Children, for the Magistrates, Ministers, and whole body of the Con-



gregation whereof they are members, as well for their Neighbours absent in their lawfull affaires, as for those that are at home.

The prayer may be closed with an earnest desire, that God may be glorified in the coming of the Kingdome of his Son, and in the doing of his will; And with assurance that themselves are accepted, and what they have asked according to his will shall be done.

X. These exercises ought to be performed in great sinceritie without delay, laying aside all Exercises of worldly businesse or hinderances, Notwithstanding the mockings of Atheists, and profane men; In respect of the great mercies of God to this Land, and of his severe Corrections wherewith lately he hath exercised us. And to this effect, persons of eminency (and all Elders of the Kirk) not onely ought to stir up themselves and their Families to diligence herein; But also to concurre effectually, that in all other Families, where they have Power and Charge, the said exercises be conscientiously performed.

XI. Besides the ordinary duties in Families which are above mentioned, extraordinary duties both of humiliation and thanksgiving are to bee carefully performed in Families, when the Lord by extraordinary occasions (private or publike) calleth for them.

XII. Seeing the Word of God requireth, That wee should consider one another to provoke unto love and good works; Therefore; at all times, and specially in this time wherein profanitie abounds, and mockers walking after their own lusts think it straunge that others run not with them to the same excesse of riot, Every member of this Kirk ought to stir up themselves and one another to the duties of mutuall Edification, by instruction, admonition, rebuke, exhorting one another to manifest the Grace of God, in denying ungodlinesse and worldly lusts, and in living godly, soberly, and righteously in this present world, by comforting the feeble minded, and praying with, or, for one another; Which duties respectively are to be performed upon speciall occasions offered by diviue providence; As namely, when under any calamity, crosse, or great difficultie, counsell or comfort is sought, Or when an offender is to bee reclaimed by private admonition, and if that be not effectually, by joyning one or two more in the admonition, according to the rule of Christ; that in the mouth of two or three witnesses every word may be established.

XIII. And because it is not given to every one to speak a word in season to a wearied or distressed conscience, It is expedient, that a person (in that case) finding no case after the use of all ordinary means private and publike, have their addresse to their own Pastour, or some experienced Christian: But, if the person troubled in conscience be of that condition, or of that sex, that discretion, modesty, or fear of scandall, requireth a godly grave and secret friend to be present with them in their said addresse, It is expedient that such a friend be present.

XIV. When persons of divers Families are brought together by divine providence, being abroad upon their particular Vocations, or any necessary occasions, As they would have the Lord their God with them whithersoever they go, they ought to walk with God, and not neglect the duties of Prayer and Thanksgiving, but take care that the same be performed by such as the company shall judge fittest: And that they likewise take heed that no corrupt communication proceed out of their mouth, but that which is good, to the use of edifying, that it may minister grace to the hearers.

The drift and scope of all these Directions is no other, but that upon the one part, the power and practice of godlinesse among all the Ministers and Members of this Kirk, according to their severall places and vocations, may be cherished and advanced, and all impietie and mocking of Religious Exercises suppressed; And upon the other part, that under the name and pretext of Religious Exercises, no such meetings or practices be allowed, as are apt to breed Error, Scandall, Schisme, contempt or misregard of the publike Ordinances and Ministers, or neglect of the duties of particular Callings, or such other evils as are the works not of the Spirit but of the Flesh, and are contrary to Truth and Peace.

*Act against such as withdraw themselves from the publike Worship in their own Congregation.*

SINCE it hath pleased God of his infinite goodness to blesse his Kirk within this Nation, with the riches of the Gospel, in giving to us his Ordinances in great purity, liberty, and withall, a comely and well established order: The Assembly, in the zeal of God, for preserving Order, Unitie and Peace in the Kirk, for maintaining that respect which is due to the Ordinances and Ministers of Jesus Christ, for preventing Schisme, noysome Errours, and all unlawfull Practices, which may follow on the Peoples withdrawing themselves from their own Congregations, Doth charge every Minister to bee diligent in fulfilling his Ministerie, to be holy and grave in his conversation, to be faithful in Preaching, declaring the whole counsell of God, and as he hath occasion from the Text of Scripture to reprove the sins and errours, and presse the duties of the time; and in all those, to observe the rules prescribed by the Acts of Assembly; wherein if he be negligent, he is to be censured by his own Presbytery. As also Ordains every Member in every Congregation to keep their own Paroch Kirk, to communicate there in the Word and Sacraments; And if any person or persons shall hereafter usually absent themselves from their own Congregations, except in urgent cases made known to, and approven by the Presbytery, The Ministers of these Congregations whereto they resort, shall both in publike by Preaching, and in private by admonition, shew their dislike of their withdrawing from their own Minister; That in so doing, they may witness to all that heare them, their due care to strengthen the hauds of their fellow-labourers in the work of the Lord, and their detestation of any thing that may teud to separation, or any of the above mentioned evils; Hereby their own Flock will be confirmed in their stedfastnesse, and the unstable spirits of others will be rectified. Likeas the Minister of that Congregation from which they do withdraw, shall labour first by private admonition to reclaim them; And if any after private admonition given by their own Pastour do not amend, in that case the Pastour shall delate the foresaid persons to the Session, who shall cite and censure them as contemners of the comely order of the Kirk; And if the matter be not taken order with there, It is to bee brought to the Presbytery: For the better observing whereof, the Presbyteries at the Visitation of their severall Kirks, and Provinciaall Assemblies, in their censure of the severall Presbyteries, shall enquire hereanent: Which inquirie and report shall be registrate in the Provinciaall Books, that their diligence may be seen in the Generall Assembly.



26 August, 1647. Post Meridiem. Sess. XXII.

*Approbation of the proceedings of the Commission of the preceeding Assembly.*

THE Generall Assembly after mature deliberation, do ratifie and approve the whole Acts and Conclusions of the Commissioners of the preceeding Assembly for publike affaires now tryed and examined; Declaring that they have proceeded therein with much zeal, wisdom, vigilancie, and according to their Commission.

27 August, 1647. Ante Meridiem. Sess. XXIII.

*Approbation of the Confession of Faith.*

A CONFESSION of Faith for the Kirks of God in the three Kingdomes, being the chiefest part of that Uniformity in Religion which by the Solemne League and Covenant we are bound to endeavour; And there being accordingly a Confession of Faith agreed upon by the Assembly of Divines sitting at Westminster, with the assistance of Commissioners from the Kirk of Scotland; Which Confession was sent from our Commissioners at London to the Commissioners of the Kirk met at Edinburgh in January last, and hath been in this Assembly twice publicly read over, examined, and considered; Copies thereof being also Printed, that it might be particularly perused by all the Members of this Assembly, unto whom frequent intimation was publicly made, to put in their doubts and objections if they had any; And the said Confession being upon due examination thereof found by the Assembly to bee most agreeable to the Word of God, and in nothing contrary to the received Doctrine, Worship, Discipline, and Government of this Kirk: And lastly, it being so necessary and so much longed for, That the said Confession be with all possible diligence and expedition approved and established in both Kingdomes, as a principall part of the intended Uniformity in Religion, and as a speciall means for the more effectuell suppressing of the many dangerous errors and heresies of these times; The Generall Assembly doth therefore after mature deliberation Agree unto and Approve the said Confession as to the truth of the matter (judging it to be most orthodox and grounded upon the Word of God) and also as to the point of Uniformity, Agreeing for our part that it be a common Confession of Faith for the three Kingdomes. The Assembly doth also blesse the Lord, and thankfully acknowledge his great mercy, in that so excellent a Confession of Faith is prepared, and thus far agreed upon in both Kingdomes; which we look upon as a great strenghtning of the true Reformed Religion against the common enemies thereof. But lest our intention and meaning be in some particulars misunderstood, It is hereby expressly Declared and Provided, that the not mentioning in this Confession the severall sorts of Ecclesiasticall Officers and Assemblies, shall be no prejudice to the Truth of Christ in these particulars to be expressed fully in the Directory of Government. It is further Declared, that the Assembly understandeth some parts of the second Article of the thirty one Chapter, only of Kirks not settled or constituted in point of Government; And that although in such Kirks, a Synod of Ministers and other fit persons may be called by the Magistrates authority and nomination without any other Call, to consult and advise with

about matters of Religion; And although likewise the Ministers of Christ without delegation from their Churches, may of themselves, and by vertue of their Office meet together Synodically in such Kirks not yet constituted; Yet neither of these ought to be done in Kirks constituted and settled: It being alwayes free to the Magistrate to advise with Synods of Ministers and ruling Elders meeting upon delegation from their Churches, either ordinarily, or being indicted by his Authority occasionally and *pro re nata*; It being also free to assemble together Synodically, as well *pro re nata*, as at the ordinary times upon delegation from the Churches, by the intrinsicall power received from Christ, as often as it is necessary for the good of the Church so to assemble, in case the Magistrate to the detriment of the Church withhold or deny his consent, the necessity of occasionall Assemblies being first remonstrated unto him by humble supplication.

Edinburgh, 28 August, 1647. Ante Meridiem.  
Sess. XXV.

*Act for revising the Paraphrase of the Psalmes brought from England, with a recommendation for Translating the other Scripturall Songs in Meeter.*

THE Generall Assembly, having considered the report of the Committee, concerning the Paraphrase of the Psalmes sent from England: And finding that it is very necessary, that the said Paraphrase be yet revised; Therefore doth appoint Master John Adamson to examine the first forty Psalmes, Master Thomas Craufurd the second forty, Master John Row the third forty, and Master John Nevey the last thirty Psalmes of that Paraphrase; and in their Examination they shall not only observe what they think needs to be amended, but also to set downe their own essay for correcting thereof: And for this purpose recommends to them, to make use of the travels of Rowallen, Master Zachary Boyd, or of any other on that subject, but especially of our own Paraphrase, that what they finde better in any of these Works may be chosen: and likewise they shall make use of the animadversions sent from Presbyteries, who for this cause are hereby desired to hasten their observations unto them; And they are to make report of their labours herein to the Commission of the Assembly for publike affaires against their first meeting in February next: And the Commission after revising thereof, shall send the same to Provinciall Assemblies, to be transmitted to Presbyteries, that by their further consideration, the matter may be fully prepared to the next Assembly: And because some Psalmes in that Paraphrase sent from England are composed in verses which do not agree with the Common-tunes, Therefore it is also recommended that these Psalmes be likewise turned in other verses which may agree to the Common-tunes, that is, having the first line of eight syllabs, and the second line of six, that so both versions being together, use may be made of either of them in Congregations as shall be found convenient: And the Assembly doth further recommend, That M. Zachary Boyd be at the paines to translate the other Scripturall Songs in meeter, and to report his travels also to the Commission of Assembly, that after their Examination thereof, they may send the same to Presbyteries to be there considered untill the next Generall Assembly.



*Act recommending the execution of the Act of Parliament at Perth, for uplifting pecuniall paines to bee employed upon pious uses, and of all Acts of Parliament made against excommunicate Persons.*

THE Generall Assembly doth seriously Recommend and Ordaine, That Presbyteries diligently endeavour that the ninth Act of the Parliament holden at Perth, Anno 1645, Concerning the uplifting of pecuniall paines to bee employed upon pious uses, may bee put to due execution within their severall bounds; And also that the Acts of Parliament against excommunicate Persons, especially the twentieth Act of the Parliament in March last, be also carefully execute: And that they cause use all diligence to that effect, And account hereof shall bee required in Provinciaall and Generall Assemblies.

Ult August, 1647. Ante Meridiem. Sess. XXVII.

*Act discharging the importing, venting or spreading of erroneous Books or Papers.*

THE Generall Assembly considering how the errors of Independency and Separation (have in our Neighbour Kingdome of England) spread as a Gangren, and do daily eat as a Canker; In so much that exceeding many Errors, Heresies, Schismes, and Blasphemies, have issued therefrom, and are sheltered thereby; And how possible it is, for the same evils, to invade, and overspread this Kirk and Kingdome, (lying within the same Island) by the spreading of their erroneous Books, Pamphlets, Lybels, and Letters, and by conversing with them that are infected with these errors, except the same be timeously prevented; Doe therefore, In the name of God, Inhibit and Discharge all Members of this Kirk and Kingdome, to converse with Persons tainted with such errors; Or to import, sell, spread, vent, or disperse such erroneous Books or Papers: But that they beware of, and abstain from Books maintaining Independencie or Separation, and from all Antinomian, Anabaptisticall, and other erroneous Books and Papers; Requiring all Ministers to warne their flocks against such Bookes in generall, and particularly such as are most plausible, insinuating, and dangerous: And to try carefully from time to time if any such Bookes bee brought into this Countrey from England, or from beyond Seas (which is especially recommended to Ministers on Sea Coasts, or Towns where any Stationers are) and if any shall be found, to present the same to the Presbyterie, that some course may be taken to hinder the dispersing thereof: And hereby all Presbyteries, and Synods, are ordained to try and Processe such as shall transgresse against the premisses or any part of the same. And the Assembly also doth seriously recommend to Civill Magistrates, that they may be pleased to be assisting to Ministers and Presbyteries in execution of this Act, and to concurre with their authority in every thing to that effect.

*Act for debarring of Complyers in the first Classe from Ecclesiastick office.*

THE Generall Assembly Declares and Ordaines, That no Person who is guilty of Compliance in the first Classe mentioned in the Act of the preceeding Assembly, shall bee received in any Ecclesiastick charge, untill the evidence of his repent-

ance before the Presbyterie and Congregation be reported to the Synode to which he belongs, and to the Generall Assembly, and their consent obtained for his bearing office. And if any such Person be already received unto the Eldership of any particular Congregation, yet he shall not be admitted to be a Member of any Presbyterie, Synode, or Generall Assemblie, untill (upon the evidence of his repentance) the consent and approbation of these Judicatories respectively bee obtained thereto.

*Act for pressing and furthering the plantation of Kirks.*

THE Generall Assembly considering how the Work of Provision, Plantation, convenient Dividing, Dismembring, better uniting or enlarging of Parish Kirks is hitherto foreflowed, to the great prejudice of many Ministers, many good People, and hinderance of the Work of Reformation; Doth therefore Ordaine, That all Presbyteries have special care that the present opportunity bee diligently improved by all their Members, as need is, before the Commission for Plantation of Kirks, as they would not be found censurable for neglect. And that every Presbyterie send in to the next Generall Assembly the names of all their Parishes, with declaration which of them have Ministers, which not, what is the largenesse of the bounds, commodious or incommodious situation of each Parish Kirk, what is the number of Communicants, what Kirks are under Patrons, what not, who are the severall Patrons, what is the nature and quantitie of the present provision, or possible ground of further provision for competent Maintenance, where the same is not sufficiently provided already: As also, what Parishes are united or disunited or bettered already, and in what measure by the said Commission; That the Generall Assembly being acquaint therewith, may doe accordingly both for censuring Neglecters, and finding out Overtures for better furtherance of the Work for time to come. Moreover it is hereby Ordained, That the next ensuing Provinciaall Synodes, crave account of the severall Presbyteries their diligence, And presse that they have it ready in writ to present to the Provinciaall Synodes in April next to come, that so all may bee in readinesse and the full account made at the next Generall Assembly.

*Act for censuring absents from the Generall Assemblie.*

THE Generall Assembly considering the absence of many Commissioners in this and other preceeding Assemblies, and that many of those present have gone from the Assembly before the dissolving thereof: Therefore, for remedie hereof in time coming, Doth Ordaine, that hereafter, Every Commissioner from Presbyteries and Universities who shall be absent from the Assembly without a reasonable excuse notified to the Assembly, Or who being present shall goe from the Assembly before the dissolving thereof without licence, shall be suspended by the Assembly untill the Provinciaall Synode next thereafter following.

*Renovation of former Acts of Assembly for Triall and Admission of Expectants to the Ministerie.*

THE Generall Assembly, doth hereby renew and confirme all former Acts and Ordinances for triall and admission of Expectants to the Minis-



tery; Especially the Articles thereanent allowed by the Generall Assembly 1596, and approven in the Assemblie at Glasgow 1638. The thirteenth Article concerning the age of intrants to the Ministry and the twentie fourth Article concerning the triall of Expectants, Of an Act of the said Assembly at Glasgow, Sess. 23. And the Act of the Assembly at S. Andrews 1642, Sess. 7. concerning Lists for presentations from the King, and the trial of Expectants, &c. Ordaining Presbyteries to observe the same carefully in all time coming.

Eodem die, Sess. XXVIII. Post Meridiem.

*Renovation of the Commission for prosecuting the Treaty for Uniformity in England.*

THE Generall Assembly, Taking to their consideration that the Treaty of Uniformity in Religion in all his Majesties Dominions is not yet perfected; Therefore, Renews the Power and Commission granted by preeceeding Assemblies for prosecuting that Treaty, unto these Persons after-named, viz. Master Robert Douglas, Master Samuel Rutherford, Master Robert Baillie, Master George Gillespie, *Ministers*; And John Earle of Lauderdale, John Lord Balmerino, and Sir Archibald Johnstoun of Waristoun, *Elders*; Authorizing them with full Power to prosecute the said Treaty of Uniformity with the Honourable Houses of the Parliament of England, and the Reverend Assembly of Divines there, or any Committees appointed by them: And to doe all and every thing which may advance, perfit, and bring that Treaty to an happy conclusion, conforme to the Commissions given thereanent.

*Renovation of the Commission for the publike affaires of the Kirk.*

THE Generall Assembly taking to their consideration, that in respect the great Work of Uniformity in Religion in all his Majesties Dominions is not yet perfected, (though by the Lords blessing there is a good progresse made in the same) there is a necessity of renewing the Commissions granted formerly for prosecuting and perfecting that great Work; Doe therefore renew the Power and Commission granted for the publike Affaires of the Kirk by the Generall Assemblies held in S. Andrews 1642, and at Edinburgh 1643, 1644, 1645, and 1646, unto the Persons following, viz. Masters, Alexander Casse, Samuel Douglas, Robert Knox, William Penman, James Guthrie, Robert Cuninghame, David Fletcher, Robert Lawder, Andrew Stevenson, Robert Davidson, David Calderwood, James Fleming, Robert Ker, James Fairlie, Oliver Colt, Patrick Sibbald, Andrew Ramsay, John Adamson, Robert Douglas, William Colvill, George Gillespie, Mungo Law, Andrew Fairfoul, George Lesly, Robert Lawrie, Alexander Spittle, Alexander Dickson, John Hay, Thomas Vassie, Ephraim Melvill, Patrick Scheill, Alexander Simmervail, George Bennet, Alexander Levingstoun, Robert Murray, Alexander Rollock, William Menzies, Alexander Ireland, John Friebairn, George Murray, Henry Guthrie, William Justice, Robert Wright, Henrie Levingstoun, James Hammiltoun, George Gladstones, Bernard Sanderson, Andrew Lawder, George Rutherford, John Levingston, George Hutcheson, John Bell, Heugh Mackaile, John Nevey, Matthew Brisbane,

John Hammiltoun, Allan Ferguson, David Dickson, Zachary Boyd, Robert Ramsay, Robert Baillie, James Nasmith, Francis Aird, Robert Birnie, Thomas Kirkaldie, Evan Cameron, Robert Blair, Coline Adam, George Hammiltoun, Samuel Rutherford, Alexander Colvill, John Ramsay, James Martein, William Levingstoun, Thomas Melvill, John Smith, Fredrick Carmichael, Patrick Gillespie, Alexander Moncrief, John Duncan, James Sibbald, Walter Bruce, George Pittillo, Andrew Affleck, John Barclay, Thomas Peirson, William Rait, David Strachan, Andrew Cant, William Douglas, John Forbes, George Sharp, William Chalmer, Joseph Brodie, Alexander Simmer, Gilbert Anderson, William Smith, *Ministers*; And Archibald Marques of Argile, John Earle of Crawford, Alexander E. of Eglintoun, William E. of Glencairne, John E. of Cassils, James E. of Home, James E. of Tullibairdine, Francis E. of Bukeleuch, John E. of Lawderdail, William E. of Lothian, James E. of Finlatur, William E. of Lanerk, James Earle of Callendar, Archibald Lord Angus, George L. Brien, John L. Yester, John L. Balmerino, James L. Cowper, John Lord Barganie, Sir Archibald Johnstoun of Waristoun, Sir John Hope of Craighall, Arthur Areskine of Scotiscraig, Alexander Fraser of Phillorth, Frederick Lyon of Brigton, James Mackdougall of Garthland, Sir William Cockburne of Langton, Sir Andrew Ker of Greinheid, Sir Heugh Campbell of Cesnock, Sir James Levingstoun of Kilsyth, Sir Thomas Ruthven of Freeland, Sir Gilbert Ramsay of Balmayne, John Henderson of Fordell, Walter Dundas younger of that ilk, Sir William Scot younger of Harden, Sir Lodovick Gordoun, Master George Winrhame of Libertoun, Alexander Levingstoun of Saltcoats, John Birsbane of Bishoptoun, Sir Robert Douglas of Tilliquhillie, James Pringle of Torwoodlie, Sir James Nicolsons of Colbrandspath, William Ker of Newtoun, William Forbes younger of Lesly, John Kennedy of Carnucks, Robert Arburthnot of Findowrie, Alexander Brodie of Letham, Master Robert Narne younger of Strathurd, Master James Schoneir of Caskeberrie, James Ruchheid, Lawrence Henderson, James Stewart, David Douglas, John Jaffray, George Porterfield, John Semple, John Kennedy, William Glendinning, Master John Cowan, John Mill, *Elders*; Giving unto them full power and Commission, to doe all and every thing for prosecuting, advancing, perfecting, and bringing the said Work of Uniformity in Religion in all his Majesties Dominions to a happy conclusion, conform to the former Commissions granted by preeceeding Assemblies thereanent: And to that effect, Appoints them or any seventene of them, whereof thirteene shall bee Ministers, to meet heer in this City in the afternoone at four hours, and thereafter upon the last Wednesdayes of November, February, and May next, and upon any other day, and in any other place they shall think fit. Renewing also to the Persons before named, the Power contained in the Act of the Assembly 1643, intituled, A reference to the Commission anent the Persons designed to repaire to the Kingdome of England; As likewise the Power contained in the Act of Assemblie 1644, Sess. 6. for sending Ministers to the Armie. And further, in case Delinquents have no constant residence in any one Presbyterie, Or if Presbyteries be negligent or averawed, in these cases, The Assemblie gives to the Persons before named, full power of censuring Complyers and Persons disaffected to the Covenant according to the Acts of Assemblie; Declaring always and Providing, that Ministers shall not bee deposed but



in one of the Quarterly meetings of this Commission; With full power to them to treat and determine in the matters aforesaid, and in all other matters referred unto them by this Assemblie, as fully and freely as if the same were here particularly expressed, and with as ample power as any Commission of any former Generall Assemblies hath had, or been in use of before, They being always for their whole proceedings countable to, and censurable by the next Generall Assembly.

*Desires and Overtures from the Commissioners of Universities; and the Assemblies answer thereto.*

1. **T**HE Commissioners of Universities represents to the Assembly: First, That the Overtures of the Assembly 1643, for the visitation of Schools and advancement of Learning are very much neglected:

The Assembly recommends to Synodes to take account of the observation of these Overtures.

2. That it were good to exhort all the Universities, to be carefull to take account of all their Schollers on the Sabbath-day of the Sermons, and of their lessons of the Catechisme.

The Assembly approves this Overture, and recommends accordingly.

3. That all the Universities bee exhorted to send their Commissioners iustructed with answers to the Overtures agreed upon by the Commissioners of Universities, and which from this meeting of their Commissioners shall bee communicate to them, and this to bee when their Commissioners come in Februar or March to the Commission of the Kirk.

The Assemblie recommends to Universities to bee carefull hereof.

4. That the Overtures concerning the providing of Bursars for Divinity be recommended to Presbyteries and Synodes, and that they report their diligence to the next Assembly.

The Assembly allows this Article, and recommends accordingly.

Edinburgh, 1 September, 1647. Sess. Ult.

*The Assemblies Letter to their Countreyman in Poleland, Swedland, Denmarke, and Hungarie.*

Unto the Scots Merchants and others our Countrey-People scattered in Poleland, Swedland, Denmarke, and Hungary; The Generall Assembly of the Kirk of Scotland wisheth Grace Mercy and Peace from God our Father, and from the Lord Jesus Christ.

**A**LTHOUGH this Kirk of Scotland, whiles spoiled of her Liberties under the Prelaticall tyrannie, had much difficultie and wrestling to preserve the true reformed Religion from being quite extinguished among our selves; yet since the mighty and out-stretched arme of the Lord our God hath brought us out of that Egypt, and hath restored to us well constituted and free nationall Synods, It hath been our desire and endeavour to set forward the Kingdom of our Lord Jesus Christ and the purity of his Ordinances, not only throughout this Nation, but in other parts also so far as God gave us a call and opportunity and opened a way unto us. And among other things of this nature we have more particularly taken into our serious thoughts the sad

and lamentable condition of many thousands of you our Country-men who are scattered abroad as sheepe having no shepheard, and are through the want of the meanes of knowledge grace and salvation, exposed to the greatest spirituall dangers, whether through ignorance or through manifold tentations to errors and false Religions, or through the occasions and snares of sinne.

We have therefore thought it incumbent to us to put you in minde of the one thing necessary, while you are so carefull and troubled about the things of the world. And although we do not disallow your going abroad to follow any lawfull calling or way of livelyhood, yet seeing it cannot profit a man although he should gain the whole world and lose his own soul, and seeing you have travelled so farre, and taken so much pains to get uncertain riches which cannot deliver in the day of the wrath of the Lord, and which men know not who shall inherit; We doe from our affection to the salvation of your immortall souls most earnestly beseech and warn you to cry after knowledge and lift up your voyce for understanding, seeking her as silver, and searching for her as for hid treasures, and so play the wise Merchants in purchasing the Pearl of price, and in laying up a sure foundation for the time to come, by acquainting your souls with Jesus Christ, and by faith taking hold of him whose free grace is now offered and held out to sinners, excluding none among all the kindreds of the earth who will come unto him. God forbid that you should let slip the time and offers of grace, or neglect any warning of this kinde sent to you in the name of the Lord. We shall hope better things of you, and that knowing the acceptable time and the day of salvation will not alwayes last, but the Lord Jesus is to be revealed from Heaven with his mighty Angels, in flaming fire taking vengeance on them that know not God and obey not the Gospel, you will the rather bestirre your selves timely and with all diligence to seek the Lord while he may bee found, to endeavour that you may have among you the ordinary means of grace and salvation, to pray that God would give you Pastors according to his heart, who shall feede you with knowledge and understanding, to consult also and agree among your selves with consent of your Superiors under whom you live (whose favour and good will we trust will not be wanting to you in so good and necessary a work) for setting up the worship of God and Ecclesiasticall Discipline among you according to the form established and received in this your mother Kirk, and for a way of settled maintenance to Pastors and Teachers; Which if you do, our Commissioners appointed to meet from time to time in the intervall betwixt this and the next Nationall Assembly, will bee ready (upon your desire made known to them) to provide some able and godly Ministers for you, as likewise to communicate to you our Directory for the publike worship of God, and our Form of Ecclesiasticall Government and Discipline; together with the Confession of Faith and Catechisme.

And in the meane time we exhort you that ye neglect not the worship of God in secret and in your families, and that ye continue stedfast in the Profession of that faith in which yee was baptised, and by a godly, righteous, and sober conversation adorn the Gospel; and with all, that distance of place make you not the lesse sensible of your Countries sufferings, both in respect of the just judgements of God for the sinnes of the land, and in respect of the malice of Enemies for the Common Cause and Covenant of the three Kingdoms, of which happie conjunction, notwithstanding we do not repent us, but



by the grace of God shall continue faithful and steadfast thereiu.

This Letter wee have thought fit to bee Printed and published; that it may be with the greater ease and conveniency conveyed to the many severall places of your habitation or traffique. Consider what we have said, and the Lord give you understanding in all things. The grace of our Lord Jesus Christ be with you all, Amen.

*Subscribed in name of the Generall Assembly of the Kirk of Scotland.*

Mr ROBERT DOUGLASSE, Moderator.

Edinburgh, Augusti 31, 1647.

*Act concerning the Hundred and eleven Propositions therein mentioned.*

BEING tender of so great an ingagement by Solemn Covenant, siincerely, really, and constantly to endeavour in our Places and Callings, the preservation of the Reformed Religion in this Kirk of Scotland, in Doctrine, Worship, Discipline, and Government, the Reformation of Religion in the Kingdomes of England, and Ireland, in Doctrine, Worship, Discipline, and Government, according to the Word of God, and the example of the best Reformed Kirks, and to endeavour the nearest Conjunction and Uniformity in all these, together with the extirpation of Heresie, Schisme, and whatsoever shall bee found contrary to sound Doctrine: And considering, withall that one of the speciall meanes which it becometh us in our Places and Callings to use in pursuance of these ends, is in zeal for the true Reformed Religion, to give our publike testimony against the dangerous Tenents of Erastianisme, Independencie, and which is falsely called Liberty of Conscience, which are not only contrary to sound Doctrine, but more speciall lets and hinderances as well to the preservation of our own received Doctrine, Worship, Discipline, and Government, as to the Work of Reformation and Uniformity in England and Ireland. The Generall Assembly upon these considerations, having heard publickly read the CXI\* following Propositions exhibited and tendered by some Brethren, who were appointed to prepare Articles or Propositions for the vindication of the Trueth in these particulars, Doth unanimously approve and agree unto these eight generall Heads of Doctrine therein contained and asserted, viz. 1. That the Ministry of the Word and the Administration of the Sacraments of the New Testament, Baptisme and the Lords Supper, are standing Ordinances instituted by God himself, to continue in the Church to the end of the World. 2. That such as Administer the Word and Sacraments, ought to be duely called and ordained thereunto. 3. That some Ecclesiasticall censures are proper and peculiar to be inflicted ouly upon such as bear Office in the Kirk; Other censures are common and may bee inflicted both on Ministers and other Members of the Kirk. 4. That the censure of suspension from the Sacrament of the Lords Supper, inflicted because of grosse ignorance, or because of a scandalous life and conversation; As likewise, the censure of Excommunication or casting out of the Kirk flagitious or contumacious offenders, both the one censure and the other is warrantable by and grounded upon the Word of God, and is necessary (in respect of divine institution) to be in the Kirk. 5. That as the Rights,

Power, and Authority of the Civill Magistrate are to bee maintained according to the Word of God, and the Confessions of the Faith of the Reformed Kirks; so it is no lesse true and certaine, that Jesus Christ, the onely Head and onely King of the Kirk, hath instituted and appointed a Kirk Government distinct from the Civill Government or Magistracie. 6. That the Ecclesiasticall Government is committed and intrusted by Christ to the Assemblies of the Kirk, made up of the Ministers of the Word and Ruling Elders. 7. That the lesser and inferiour Ecclesiasticall Assemblies, ought to bee subordinate and subject unto the greater and superiour Assemblies. 8. That notwithstanding hereof, the Civill Magistrate may and ought to suppress by corporall or Civill punishments, such as by spreading Errour or Heresie, or by fomenting Schisme, greatly dishonour God, dangerously hurt Religion and disturbe the Peace of the Kirk. Which Heads of Doctrine (howsoever opposed by the authors and fomenters of the foresaid errors respectively) the Generall Assembly doth firmly beleve, own, maintaine, and commend unto others, as Solide, True, Orthodoxe, grounded upon the Word of God, consonant to the judgement both of the ancient and the best Reformed Kirks. And because this Assembly (through the multitude of other necessary and pressing businesse) cannot now have so much leisure, as to examine while, these Proposition shall bee Printed, both that Copies thereof may bee sent to Presbyteries, and that it may be free for any that pleaseth to peruse them, and to make known or send their judgement concerning the same to the said next Assembly.

*Desires and Overtures presented from Presbyteries and Synods, with the Assemblies answer thereunto.*

IT is humbly presented to the Assembly, that the children of many of the ordinary beggars want baptisme, Themselves also living in great vilenesse, and therefore desire that some remedie may be provided for these abuses.

The Assembly doth seriously reecomend to Presbyteries to consider of the best remedies, and to report their opinions to the next Assembly.

That all Students of Philosophie at their entry and at their Lawrecreation, bee holden to subscribe the League and Covenant and be urged thereto, and all other Persons as they come to age and discretion before their first receiving the Sacrament of the Lords Supper.

The Assembly approves this Overture.

Whereas divers Ministers want Mansses and Gleebs, and others have their Gleebs so divided in parcells, or lying so farre from their Charge as the Ministers are thereby much prejudged: We desire that this Generall Assembly will reecomend it to bee helped by the Parliament, or Committee for planting of Kirks, in the best manner that their Lordships can advise.

Whereas divers Kirks were incommodiously united in corrupt times, we desire that the same be now dismembered and adjoynd to other Kirks, or erected in Kirks by themselves alone, and when the

\* Not that they are to be heer Printed, but because they being to bee Printed severally, this act is to be prefixed to them.



present incumbents agrees thereto, wee desire the same to bee recommended to the Parliament and Committee for plantation of Kirks; Provided alwayes, that the present Ministers who have laboured and indured the heat of day, may enjoy the benefit of such parcells as are taken from them during their life.

The Assembly doth approve these two Articles, and Recommends to the Commissioners for publike Affaires, to assist any interested in the particulars for prosecuting the same before the Honourable Estates of Parliament, or the Commission appointed by them for plantation of Kirks.

**T**HE Generall Assembly, Doe yet againe recommend to Presbyteries and Provinciaill Assemblies, to consider all matters formerly referred unto them by preceding Assemblies, and desires that their opinions concerning the same, be reported in writ to the next Generall Assembly.

**I**T is this day appointed, that the next Generall Assembly shall meet at Edinburgh the second Wednesday of July, 1648.

A. KER.

*INDEX of the ACTS of this GENERALL ASSEMBLIE  
not Printed.*

- 1.—Election of Master Robert Douglass Moderator, *Sess. 1.*
- 2.—Committee for the contraverted Commissions, *Sess. 2.*
- 3.—Committee of Reports, References and Appeals. *Ib.*
- 4.—Committee of Bills and Overtures. *Ib.*
- 5.—Committee for examining the proceedings of the Commission of the preceding Assembly for publike Affaires. *Ib.*
- 6.—Committee for examining the Synode Books. *Ib.*
- 7.—Commission from the Brethren in Ireland with the Scots Armie there. *Ib.*
- 8.—Committee for appointing Ministers to Preach. *Ib.*
- 9.—Papers produced by Master Robert Baillie, and M. George Gillespie. *Sess. 3.*
- 10.—Act concerning their Report and Approbation. *Ib.*
- 11.—Committee for examining the Confession of Faith, Rouse Paraphrase, Catechisme, &c. and to receive any scruples and objections, and to report. *Ib.*
- 12.—Act appointing some Brethren to present to the Committee of Estates, the progresse of Uniformity. *Ib.*
- 13.—Invitation of all that had objections against any thing in the Confession, to repaire to the Committee. *Sess. 4.*
- 14.—A Latine Letter from Helvetian Churches to the Assembly. *Ib.*
- 15.—Act for Printing 300 Copies of the advise of the Assemblie of Divines in England, Concerning a Confession of Faith, for the use of the Members of the Assembly. *Sess. 5.*
- 16.—Recom. to the Commission for planting of Kirks, for provision to another Minister in Airc. *Ib.*
- 17.—Ref. to the Committee for Preaching to appoint Ministers to the Army, with addition of others to that Committee. *Ib.*
- 18.—Appointment of Master Robert Young for Lodovick Leslies Regiment. *Sess. 6.*
- 19.—Committee for considering the dangers that are either from within or without this Kirk, and the best remedies for preventing the same, and to report. *Ib.*
- 20.—Committee concerning John Wilkie and Master Tho. Ramsay. *Ib.*
- 21.—Remitt. John Johnstouns desire of relaxation from Excommunication to the Provinciaill of Dumfreis. *Ib.*
- 22.—Committee for the vaking Stipends in Dunkeld. *Ib.*
- 23.—Recom. Marjorie Smith for charity. *Ib.*
- 24.—Remitt. Master James Rosse a deposed Minister to Presbyterie and Synode. *Sess. 7.*
- 25.—Ref. Master James Nasmith to the Committee for appointing Ministers to the Army. *Ib.*
- 26.—Committee for considering a Processe in dependance before the Presbyterie of Peebles, concerning a scandall upon the relict of unquhile Mark Hamiltoun. *Ib.*
- 27.—Continuation of the Town of Edinburghs Bill for Master John Smith, till Saturday. *Ib.*
- 28.—Advise and Ordinance for prosecuting the Processe against Agnes Stewart, relict of unquhile Mark Hamiltoun. *Sess. 8.*
- 29.—Recom. Master George Gleghorne that hee suffer no prejudice in his old age. *Ib.*
- 30.—Transportation of M. John Scot from Schottis to Glenluce. *Sess. 9.*
- 31.—Act refusing Master Andrew Honymans transportation to Craill. *Ib.*
- 32.—Transportation of Master James Hamiltoun from Drumfreis to Edinburgh. *Ib.*
- 33.—Act concerning the planting of Eymouth Kirk upon the submission of Earle of Home and Wedderburne. *Sess. 10.*
- 34.—Act concerning the tryall of Master William Home. *Ib.*
- 35.—Transportation of Master John Smith from Bruntland to Edinburgh. *Ib.*
- 36.—Act for providing a college to Master Thomas Wyllie. *Ib.*
- 37.—Recom. Thomas Burnet to the Committee of Estates. *Ib.*
- 38.—Recom. M. Martine Mackferson to the Committee of Estates. *Ib.*
- 39.—Recom. Master Neill Mackinnan to the Committee of Estates. *Ib.*
- 40.—Act concerning the Visitation of Kalzac and Lyne. *Sess. 11.*
- 41.—Recom. Master John Houstouns petition to the Commission for planting of Kirks. *Ib.*
- 42.—Act for Excommunicating of William Forbes of Skelleter, his committing a late murther being sufficiently evidenced. *Ib.*
- 43.—Transportation of Master Walter Comrie to Dunkeld. *Ib.*
- 44.—Act for conference with James Urquhart of old Craige, desiring to be relaxed from Excommunication. *Ib.*
- 45.—Act appointing Master John Lothian to bee relaxed from the sentence of Suspension. *Ib.*
- 46.—Recom. Petition of the Presbyterie of Wigtoun for erecting a Kirk for Penninghame and Monigafe, To the Commission of Parliament for planting of Kirks. *Ib.*
- 47.—Committee for the matter betwixt John



Wilkie of Foulden, and Master Thomas Ramsay. *Ib.*

48.—Act appointing the Committee of Bills, to divide the Petitions for charity amongst Presbyteries and Provinces. *Sess. 12.*

49.—Act appointing the Committee concerning Doctor Strang to meet. *Ib.*

50.—Act refusing Master John Levingstouns transportation to Glasgow. *Ib.*

51.—Refer. to the Committee of dangers, to give opinion in the question concerning the carriage of our Commissioners at London in the ease propounded. *Ib.*

52.—Ref. to the Committee of dangers, concerning choosing a Moderator, and censure of absents from the Assembly. *Sess. 13.*

53.—Ref. James Urquhart of old Craige, concerning his relaxation from Excommunication, to the Provinciall of Murray. *Ib.*

54.—Committee appointed to confer in some particulars, concerning Ministers provisions with my Lord Advocate. *Ib.*

55.—Committee concerning the particulars of Master Eleazar Gilberts petition. *Ib.*

56.—Ref. Gilbert Ogilvie of Craige, Major John Ogilvie, and Patrick Ogilvie of Brigend of Lentrathane, to the Presbyterie of Meegill. *Ib.*

57.—Instruction with a Letter to the Commissioners at London. *Ib.*

58.—Appointment of some to speake Earle Bukleuch, concerning the Kirk of Borthwick. *Ib.*

59.—Ref. concerning Master Zacharie Boyds labours to the Committee for the Confession of Faith. *Ib.*

60.—Committee to consider of Ministers for Ireland. *Ib.*

61.—Act continuing the Declaration for England, to be again read and further considered. *Sess. 14.*

62.—Committee for hearing the Objections of the Persons appointed for Ireland. *Ib.*

63.—Recom. to Presbyteries for encouraging Expectants to embrace a calling from Ireland. *Ib.*

64.—Ref. to the Committee for Preaching, to hear the reasons alledged by some Ministers why they should not go to the Armie. *Ib.*

65.—Act refusing Master John Robertsons petition for opening his mouth. *Ib.*

66.—Approbation of the Declaration for England. *Sess. 15.*

67.—Act for authorizing the Commissioners at London, to present the Declaration to the Parliament of England, City of London, and Synode of Divines, and to crave an answer to the Paper of the 25 of December. *Ib.*

68.—Act appointing some Brethren to present the Declaration for England to the Committee of Estates, and to crave their Lordships concurrence in the like desires. *Ib.*

69.—Act continuing the Directions for Private and Family Worship, to be further Considered and againe read, with an Invitation to all that had any scruples to propone them to the Committee of dangers. *Ib.*

70.—Act for joyning the Committee for the Confession of Faith to the Committee for the dangers, together to be one Committee, and their place of meeting to be the old Session house. *Ib.*

71.—Invitation of all that had any scruples or objections concerning any Article in the Confession, to propone the same to the Committee. *Ib.*

72.—Report of the Committee touching the particulars in Master Gilberts petition, with an appointment for drawing a Letter to those of the Scottish Nation in Pole-land, &c. *Ib.*

73.—Appoint. for drawing a Letter to Lieutenant Generall David Lesly. *Sess. 16.*

74.—Appointment of Ministers for Ireland. *Ib.*

75.—Letter to Generall Major Munro. *Ib.*

76.—Continuation of the Directions for Worship, to be againe read and considered upon Tuesday, and all invited to addresse themselves to the Committee who had doubts or objections. *Ib.*

77.—Committee for thinking on Overtures for planting the Kirks in the Hiellands, and advancing Piety and Learning there. *Ib.*

78.—Recom. to the Ministers of Edinburgh for their assistance to Ministers before the Commission for planting of Kirks. *Ib.*

79.—Committee to conferre with the Lord Thesaurer, concerning the Kings gift of the patronage of Lanerk, and to advise with the Committee for the dangers upon the Kirks interest therein. *Ib.*

80.—Recom. of the petition of the Presbyteries of Deir, Ellon, and Turref, to the Commission for planting of Kirks. *Ib.*

81.—Recom. M. Neil Mackinnan, and M. Martine Mackerson, to be supported out of the vaking stipends in the Sky. *Ib.*

82.—Ref. to the Commission for publike affaires for the planting of Drumfreis, with a recommendation to the Thesaurer for a presentation. *Ib.*

83.—Recom. to the Committee of Estates, concerning the house of Dalgetie. *Ib.*

84.—Act appointing M. Gabriell Maxwell for the Lieutenant General, Master James Nasmyth for Generall Major Holburns Regiment, M. George Pittulo for the Generall of Artilleries Regiment, M. George Bennet for the Troups of Horse with the Generall Lieutenant, and M. John Lothian for the Squadron of Horse with Generall Major Middleton.

85.—Remit. M. Francis Omev to the Presbyterie and Synode. *Sess. 17.*

86.—Ordinance for admission of Master John Baillie to the Kirk of Cambuslang. *Ib.*

87.—Committee to confer with Earle of Eglintoun, concerning his petition touching planting the Kirk of Eglisbam. *Ib.*

88.—Recom. to the Committee of Estates of the petition of Aberdene concerning a Jesuite there. *Ib.*

89.—Remit Master Matthew Ramsay to the Presbyterie of Hammiltoun for opening his mouth. *Ib.*

90.—Ref. and Commission concerning the Kirk of Lyndeane. *Ib.*

91.—Committee for revising the Collectors counts, and to report. *Ib.*

92.—Report of the Brethren sent to the Committee of Estates concerning the house of Dalgety, and the Jesuite in Aberdene. *Ib.*

93.—Advise to the Presbyterie of Stranrauer concerning their proceeding in the triall of the scandall upon Ardwell. *Ib.*

94.—Ref. to the Committee of dangers, to think upon some Overtures for commodious planting, dividing, and uniting of Kirks, and to report. *Sess. 18.*

95.—Recom. of some Persons for charity to Presb. and Provinces. *Ib.*

96.—Recom. of the petition concerning Glencorse to the Lord Thesaurer, and the Lords of Exchequer. *Ib.*

97.—Ref. Sir Lauchlen Macklen to the Presbytery of Edinburgh. *Ib.*

98.—Recom. to the Committee of Estates, of the petition of Master Adam Barclay. *Ib.*

99.—Recom. of the petition of M. Patriek Lindsay to the Committee of Estates, and to the chari-



tie of the Presbyteries within the Province of Aberdene. *Ib.*

100.—Recom. to the Presbyterie of Stranrauer and the Lord Advocate, concerning the Kirk of Glenluce. *Ib.*

101.—Addition of the Lord Marquesse of Argile to the Committee for the dangers. *Ib.*

102.—Appointment of the Committee concerning Doctor Strang, to make report and to receive any objections that any had against his dictates. *Ib.*

103.—Warrant for Master Samuel Rutherfuds return. *Sess.* 19.

104.—A Letter to Generall Lieutenant David Leslie. *Ib.*

105.—Invitation of all to propone their doubts or objections against any head or Article in the Confession of Faith, to the Committee. *Ib.*

106.—Recom. to the Commission, for visitation of the Universitie of S. Andrews, for Master Samuel Rutherford to bee Principall of the new Colledge there. *Ib.*

107.—Approbation of the report concerning planting of Eglisname. *Sess.* 20.

108.—Recom. M. Robert Lindsayes wife, and M. James Kirk to Provinces. *Ib.*

109.—Appointment of some Brethren to visit the Idolatrous Monuments brought from the late Marques of Huntlies house. *Ib.*

110.—Act refusing the petition for Master John Annans transportation to Edinburgh. *Ib.*

111.—Act concerning the dyet of Master James Hammiltoun and Master John Smiths coming to Edinburgh. *Ib.*

112.—Recom. to the Town of Edinburgh to plant all their Kirks with two Ministers with diligence. *Ib.*

113.—Queræ proponed by the Commissioners of the Presbyterie of Chirnside, with the Assemblies advise thereanet. *Ib.*

114.—Recom. of petitions for charity. *Ib.*

115.—Appoint. of Master John Forbes for Colonell Scots Regiment, and Master Robert Cowdan to Pitscottis. *Sess.* 21.

116.—Nomination of a list for the Kirk of Gordon. *Ib.*

117.—Ref. concerning Master David Leith. *Ib.*

118.—Recom. concerning the contribution for the distressed people in Argyle. *Ib.*

119.—Approbation of the report of the Committee for the vaking Stipends in Dunkeld. *Sess.* 22.

120.—Recom. M. Robert Brounlies wife to the Committee of Estates. *Ib.*

121.—Commission for planting the Kirk of Lithgow. *Ib.*

122.—Declaration that some votes of the Commission of the preceeding Assembly upon the 21 of August 1646, and an Act of the 22 of the same moneth, are not to be examined by the Assembly. *Ib.*

123.—Committee for the triall of some speeches spoken by some of the Presbyterie of Dunkeld concerning the Commission. *Ib.*

124.—Ref. concerning Master William Hay. *Ib.*

125.—Act concerning the committing of the plantation of the Kirk of Glasgow. *Ib.*

126.—Ref. to the Commission for publike affairs of the Earle of Callenders petition, concerning the adjoining Falkirk, Slamman, and Morrouingside to the Presbyterie of Sterling, with power to hear parties, visit, and report. *Sess.* 23.

127.—Conference appointed with the Earle of Abercorne. *Ib.*

128.—Ref. to the Commission for publike affaires,

for planting in Aire a colleague to Master William Adair. *Ib.*

129.—Report concerning Doctor Strangs dictats. *Ib.*

130.—Act appointing the Clerk to redeliver Doctor Strangs dictats unto him. *Ib.*

131.—Refer. concerning Master John Mackenzie. *Sess.* 24.

132.—Approbation of the Collectors accounts. *Ib.*

133.—Ref. to the Ministers of Edinburgh, to take course with the Monuments of Idolatrie brought from the North. *Ib.*

134.—Recom. of the petition for a Minister to Chanrie of Rosse to the Commission for planting of Kirks. *Ib.*

135.—Recom. Master Alexander Petrie. *Ib.*

136.—Recom. Master Eleazar Gilbert. *Ib.*

137.—Recom. Master William Douglas to the Committee of Estates. *Ib.*

138.—Recom. Master George Sharpe to the Committee of Estates for reparation of his losses. *Ib.*

139. Ref. compliers in Murray to the Provinciall. *Ib.*

140.—Recom. to the Commission for planting of Kirks, concerning provisions to Ministers in the Presbyterie of Kirkcudbright. *Sess.* 25.

141.—Act appointing conference with Earle Abercorne, untill the last of March. *Ib.*

142.—Recom. to the Synode of Murray of the petition of Badinloch, concerning Master John Dollar. *Ib.*

143.—Recom. concerning the Minister of Corrie and Hutton. *Ib.*

144.—Recom. to the Commission for planting of Kirks, concerning the adjoining some lands to the Parish of Monswall. *Ib.*

145.—Act for Printing the Directorie for Church Government, to be examined by Presbyteries against the next Assembly, and for Printing the Catechisme also when it shall be perfected. *Ib.*

146.—Act concerning the contribution for the distressed people in Argile. *Ib.*

147.—Recom. to Committee for dangers, to consider of a Letter for the Scots in Poleland, &c. *Ib.*

148.—Ref. to the Committee appointed for tryall of proceedings of the Commission of Assembly, to consider of the processe of Master John Rosse, and to report. *Ib.*

149.—Act concerning the tryall of the payment of the contribution for distressed people of Argyle. *Ib.*

150.—Act concerning James Murray. *Sess.* 26.

151.—Act for collecting the contribution for the Province of Argile, in these parts that have not yet contributed, and sending it to the receivers. *Ib.*

152.—Recom. to the Synode of Glasgow, concerning a second Minister to Dumbarton. *Ib.*

153.—Recom. to the Lords of Privie Counsell for punishing an injurie done to a Presbytery about burying in a Kirk. *Ib.*

154.—Act appointing a conference with some Divines, Lawyers, and Physitians, concerning witchcraft and charming. *Ib.*

155.—Report of the tryall of the Synods Books with the Assemblies censure. *Ib.*

156.—Appointment of some to salute the Lieutenant General now in Town, and Generall Major Middletoun when he comes. *Sess.* 27.

157.—Ref. to the Commission for publike affaires to endeavour for obtaining from the Parliament, some restraint of burials in Kirks. *Ib.*

158.—Commission for visitation of Lochaber, Badinloch, and the Isles. *Ib.*



159.—Recom. to the Commission of Parliament for planting of Kirks, for providing some course for the payment of the charges of Commissioners to the Generall Assembly. *Ib.*

160.—Ref. to the Commission for publike affairs, for Printing of some Papers concerning the Treaty of Uniformity, and matters handled in the Synode of Divines in England. *Ib.*

161.—Ref. and warrand to the Commission for publike affaires, to give licence for Printing. *Ib.*

162.—Recom. to the Lords of Exchequer, concerning the passing of gifts of the Prebendaries. *Ib.*

163.—Report from Robert Brysones relief, concerning the Printing of Trochrigs Works. *Ib.*

164.—Warrand given to the Moderator and Clerk, and some others, to agree with Evan Tyler for Printing the Works of Trochrig upon the condition promised to Robert Bryson. *Ib.*

165.—Ref. John Wilkie of Foulden and Master Thomas Ramsay to the Commission for publike affaires. *Ib.*

166.—Act concerning the choosing of the Moderator of the Generall Assemblie. *Ib.*

167.—Act for changing every Assembly the rolls of the Commissioners by courses, according to the order of Provines. *Ib.*

168.—Commission for visiting the University of S. Andrews. *Ib.*

169.—Commission for visiting the University of Aberdene. *Ib.*

170.—Commission for visiting Orkney and Zetland. *Ib.*

171.—Appointment of some Brethren to speake to the Lord Thesaurer, concerning passing of gifts of Patronages. *Ib.*

172.—Ref. Master John Rosse at Lunfannan. *Sess. 28.*

173.—Approbation of the report concerning planting of Kirks in the Hielands. *Ib.*

174.—Ref. John Gillon to the Presbytery of Edinburgh for private tryall. *Ib.*

175.—Renovation of the Commission for publike affairs. *Ib.*

176.—Warrand for Master James Gordon to come to Sterling-shire, for drawing the mappe thereof. *Sess. Utt.*

177.—Ref. of Gorthie Inehbrakie and Lindsay of Maines, their petitions for relaxation from the sentence of Excommunication, to the Commission for publike affaires. *Ib.*

178.—Recom. in favours of Sir William Dick. *Ib.*

179.—Ref. Master James Row. *Ib.*

180.—Ref. to the Commission for publike affaires, concerning the Seots in Poleland, &c. *Ib.*

181.—Ref. for planting the Kirk and Colledge of Aberdene to the Commission for publike affaires. *Ib.*

182.—Ref. concerning Masters William Douglas, John Logie, George Hanna, Richard Maitland, and Coline Mackenzie. *Ib.*

183.—Ref. and Commission concerning the tryall of Masters Murdo Mackenzie, John Duncane, and William Cowper. *Ib.*

184.—Recom. Master William Chalmber to the Committee of Estates. *Ib.*

185.—Ref. James Grahame of Claypots to the Presbyterie of Dundie. *Ib.*

186.—Recom. of some persons for charitic. *Ib.*

187.—Ref. for planting the Kirk of Bruntland to the Commission for publike affaires. *Ib.*

188.—Ref. concerning the planting of the Kirk of Prestoun to the Commission for publike affaires. *Ib.*

189.—Ref. for planting the vaking Kirk in Glasgow to the Commission for publike affaires. *Ib.*

190.—Ref. the Lord Ray his Son and some of his friends, to the Commission for publike affaires. *Ib.*

191.—Ref. Master Gilbert Gordon, to the Commission for publike affaires. *Ib.*

192.—Recom. for Master George Hannayes wife and children. *Ib.*

193.—Act for presenting the Confession of Faith to the Parliament. *Ib.*

194.—Act concerning the Translaters of the Dutch Notes. *Ib.*

195.—Recom. and Ref. concerning the collecting of the Passages and Occurrances of these late times, to the Commission for publike affaires. *Ib.*

196.—Ref. for planting the Kirk of Anerum, to the Commission for publike affaires. *Ib.*

197.—Renovation of the Commission for visitation of the University of Glasgow. *Ib.*

198.—Ref. Master John Rosse at Birse, to the Synode of Aberdene. *Ib.*

199.—Ref. of Master Thomas Ramsay younger, his petition to the Commission for publike affaires. *Ib.*

200.—Indiction of a Thanksgiving and of a Fast. *Ib.*

FINIS.

#### Miscellaneous Historical Documents,

RELATIVE TO THE ECCLESIASTICAL AND POLITICAL  
EVENTS IN SCOTLAND—1647.

1. *Excerpts from Principal Baillie's Account of the Westminster Assembly, continued from p. 460.*

*To Mr William Spang. Edinburgh, Jan. 1647.*

DEAR COUSIN,—I wrote to you at length before I came from London. I have had a long and tedious, but, thanks to God, prosperous journey. I am now here well. I have made my report in the commission of the church to all their contentment; our errand in England being brought near a happy period, so far as concerned us the commissioners of the church; for, by God's blessing, the four points of uniformity, which was all our church gave us in commission to agent in the assembly at Westminster, were as good as obtained. The Directory I brought down before. The model of government we have gotten it through the assembly according to our mind: it yet sticks in the hands of the Houses. They have passed four ordinances at least about it, all pretty right, so far as concerns the constitution and erection of general assemblies, provincial synods, presbyteries, and sessions, and the power of ordination. In the province of London and Lancashire the bodies are set up. That the like diligence is not used long ago in all other places, it is the sottish negligence of the ministers and gentry in the shires more than the parliament's. That the power of jurisdiction in all things we require, excepting appeals from the general assembly to the parliament, is not put in ordinances long ago, it is by the coming of the Independents and Erastians in the House of Commons; which obstacle we trust will now be removed by the zeal of the city of London; so much the



more, as our nation are taken away sooner and more easily than any did expect. All grounds of jealousy of our joining with the King, the greatest prop of the sectaries power in the House. However, in the *jus divinum* of Presbytery, printed by the ministry of London, you may see that burden taken off our shoulders; the body of the ministry of England, not the assembly and Londoners only, being fully leavened with our sense in all the point of government, and become willing, and able abundantly, to manage that cause, without us, against all opposites. The third point, the Confession of Faith, I brought it with me, now in print, as it was offered to the Houses by the assembly, without considerable dissent of any. It is much cried up by all, even many of our greatest opposites, as the best Confession yet extant. It is expected the Houses shall pass it, as they did the Directory, without much debate. Howbeit the retarding party has put the assembly to add scriptures to it, which they omitted only to eschew the offence of the House, whose practice hitherto has been, to enact nothing of religion on divine right or scriptural grounds, but upon their own authority alone. This innovation of our opposites may well cost the assembly some time, who cannot do the most easy things with any expedition; but it will be for the advantage and strength of the work. The fourth part of our desired and covenanted uniformity is the Catechism. A committee has drawn and reported the whole.

The assembly ere I came away had voted more than the half. A short time will end the rest; for they study brevity, and have voted to have no other head of divinity into it than is set down in the Confession. This ended, we have no more ado in the assembly, neither know we any more work the assembly has in hand, but an answer to the nine queries of the House of Commons about the *jus divinum* of divers parts of the government. The ministers of London's late *jus divinum* of Presbytery does this abundantly. Also a committee of the assembly has a full answer to all these queries ready. The authors repent much of that motion. Their aim was, to have confounded and divided the assembly by their insnaring questions; but finding the assembly's unanimity in them, the Independents principles forcing them to join with the rest, in asserting the divine right of these points of government, whereupon the parliament does most stick, the movers of these questions wishes they had been silent. There is no more work before the assembly. The translation of the psalms is passed long ago in the assembly; yet it sticks in the Houses. The Commons passed their order long ago; but the Lords joined not, being solicited by divers of the assembly, and of the ministers of London, who love better the more poetical paraphrase of their colleague Mr Burton. The too great accuracy of some in the assembly, sticking too hard to the original text, made the last edition more concise and obscure than the former. With this the commission of our church was not so well pleased; but we have got all those obscurities helped; so I think it shall pass. Our good friend Mr Zachary Boyd has put himself to a great deal of pains and charges to make a psalter, but I ever warned him his hopes were groundless to get it received in our churches; yet the flatteries of his unadvised neighbours makes him insist in his fruitless design.

When I took my leave of the assembly, I spoke a little to them. The prolocutor, in name of the assembly, gave me an honourable testimony, and

many thanks for my labours. I had been ever silent in all their debates; and however this silence sometimes weighted my mind, yet I found it the best and wisest course. No man there is desired to speak. Four parts of five do not speak at all; and among these are many most able men, and known by their writs and sermons to be much abler than sundry of the speakers; and of these few that use to speak, sundry are so tedious, and thrusts themselves in with such misregard of others, that it were better for them to be silent. Also there are some eight or nine so able, and ready at all times, that hardly a man can say any thing, but what others, without his labour, are sure to say as well or better. Finding, therefore, that silence was a matter of no reproach, and of great ease, and brought no hurt to the work, I was content to use it, as Mr Henderson also did.

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It is very like, if he had done any duty, though he had never taken the covenant, but permitted it to have been put in an act of parliament in both kingdoms, and given so satisfactory an answer to the rest of the propositions, as easily he might, and sometimes I know he was willing, certainly Scotland had been for him as one man; and the body of England, upon many grounds, was upon a disposition to have so cordially embraced him, that no man, for his life, durst have muttered against his present restitution. But remaining what he was in all his maxims, a full Canterburian, both in matters of religion and state, he still inclined to a new war; and for that end resolved to go to Scotland. Some great men there pressed the equity of Scotland's protecting of him on any terms. This untimely excess of friendship has ruined that unhappy prince; for the better party, finding the conclusion of the King's coming to Scotland, and thereby their own present ruin, and ruin of the whole cause, the making the malignants masters of church and state, the drawing the whole force of England upon Scotland for their perjurious violation of their covenant, they resolved by all means to cross that design.

So when others proposed to the parliament the assistance of the King to recover his government in England, notwithstanding any answer he might give to the propositions, the better sort, before they should give answer to so high a question, desired a publick fast in the parliament, and the advice also of the commission of the church. Both with some difficulty were obtained. But after that fast, and the distinct answer of the church, that it was unlawful for Scotland to assist the King for his recovery of the government in England, if he approved not the covenant, the parliament was peremptor to refuse the King free access to Scotland, unless he satisfied the propositions. This much they signified to him by their commissioners, which we met at Newcastle. It was easy to be grieved, and to find what to reprehend in this resolution; for indeed it was clothed with many dangers and grievances; but to fall at that nick of time on any conclusion, free of more dangers and grievances, seemed impossible.

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July 13, 1647.—These matters of England are so extremely desperate, that now twice they have made me sick. Except God arise, all is gone there. The imprudence and cowardice of the better part of the city and parliament, which was triple or sextuple the greater, has permitted a company of silly rascals, who call themselves yet no more than 14,000, horse and foot, to make themselves masters of the King,



parliament, and city, and by them of all England : so that now that disgraced parliament is but a committee to act all at their pleasure, and the city is ready to fright the parliament at every first or second boast from the army. No human hope remains but in the King's unparalleled wilfulness, and the army's unmeasurable pride. As yet they are not agreed, and some write they are not like to agree : for in our particular I expect certainly they will agree well enough, at what distance soever their affections and principles stand. Always if the finger of God in their spirits should so far dement them as to disagree, I would think there were yet some life in the play ; for I know the body of England are overweary long ago of the parliament, and ever hated the sectaries, but much more now for this their unexpected treachery and oppression. On the other part, the King is much pitied and desired ; so if they give him not contentment, he will overthrow them. If he and they agree, our hands are bound : we will be able, in our present posture, and humour of our highly distracted people, to do nothing. And whom shall we go to help, when none calls ? but the King, parliament, and city, as their masters command, are ready to declare against us if we should offer to arm. But if the King would call, I doubt not of rising of the best army ever we had, for the crushing of these serpents, enemies to God and man.

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*To a friend in Kilwinning. Edinburgh, August 20, Friday night.*

The city's declaration and diurnal declare in what a brave posture both the city and parliament once were in. The other papers shew how soon all was overturned. The army marched through the whole city by way of triumph ; but staid not in it, did no violence to any ; only three or four regiments keep the forts about Westminster, and guard the parliament still. For all that, the House of Commons vote sundry things contrary to the mind of the army. How long that courage will remain, I cannot say. It is thought that people, when they have felt a little the burden of the army, will break that yoke by one mean or other. The army's mind, much of it, may be seen in their propositions, a paper which I purposed to send, but now it is fallen by. By it they are clear enough for a full liberty of conscience, a destroying of our covenant, a setting up of bishops, of intrahalling the King, so far, as in my judgement, he and they will not agree, albeit many think they are agreed already. If this were, our ease were very hard. Never more appearance of a great discord, both in our church and state, some few days ago ; but, blessed be God, the appearances are now much changed. Never assembly more harmonious than this yet has been. Our declaration to England, a very good piece, is passed without a contrary voice. An act against vaigers [strollers] from their own ministers, and a large direction for private worship, drawn by Mr Robert Blair for the correcting all the faults in worship, which offended many here, is past the committee, without a contrary voice ; and, I think, shall pass the assembly also, no less unanimously ; which demonstrates the truth of what I said in my assembly-speech, "That for all the noise some made, yet truly there was no division as yet in our church."

Yesterday, and this night, our state, after much irreconcilable difference, as appeared, are at last unanimously agreed to send the Chancellor and Lanerk to the King and parliament of England, to comfort and encourage both to keep our covenant, and not to agree to the propositions of the army.

No appearance, as yet, of any stirring in haste in this kingdom.

*To Mr Spang. Edinburgh, September 1, 1647.*

— London has lien like a millstone on my breast now of a long time. The first week we came to this town, my heart was a little relieved. I thought God had answered our prayers much sooner than I expected, and had put London in so good a posture for averting all our fears as I could have wished ; but that joy lasted not full eight days. Stapleton and Hollis, and some others of the eleven members, had been the main persuaders of us to remove out of England, and leave the King to them, upon assurance, which was most likely, that this was the only means to get that evil army disbanded, the King and peace settled according to our minds : but their bent execution of this real intention has undone them, and all, till God provide a remedy. We were glad when Leslie was recalled from his Lieutenantancy of Ireland, a creature of Cromwell's, who got that great trust for no virtue at all but his servicableness to that faction. This was the first sensible grievance to that army. The second was the employing of Skippon and Massie, in the Irish command, and giving to Fairfax such a command in England as made him not very formidable. But when the third stroke came, of disbanding the most of the sectaries, and cashiering of their officers, this put them on that high and bold design, which as yet they follow, as, I think, not so much on great preconception, as drawn on by the course of affairs, and light heads of their leaders. Vane and Cromwell, as I take it, are of nimble hot fancies for to put all in confusion, but not of any deep reach. St John and Pierpont are more stayed, but not great heads. Sey and his son, not ———, albeit wiser, yet of so dull, sour, and fearful a temperament, that no great achievement, in reason, could be expected from them. The rest, either in the army or parliament, of their party, are not on their mysteries, and of no great parts either for counsel or action, so far as I could ever observe. The folly of our friends was apparent, when at the army's first back-march, and refusal to disband, they recalled their declaration against their mutinous petitions. Easily might all their designs have been crushed at that nick of time, with one stout look more ; but it was a demeritation to sit still amazed at the taking of the King, the accusation of the eleven members, the army's approaching to the city. Here, had the city agreed, and our friends in parliament shewed any resolution, their opposites counsel might even then have been easily overturned ; for all this while, the army was not much above 10,000 ill-armed soldiers. But the irrecoverable loss of all, was the ill-managing of the city's brave engagement. Had they then made fast the chief of the sectarian party in both Houses, and stopt their flight to the army ; had Massey and Waller, with any kind of masculine activity, made use of that new trust committed to them ; Mr Marshal, and his seventeen servants of the synod, for all Foulks and Gib's subornation, should never have been bold to offer that destructive petition to the Houses and common council, which, without any capitulation, put presently in the army's power, the parliament, city, and all England, without the least contradiction. An example rarely paralleled, if not of treachery, yet at least of childish improvidence and base cowardice. Since that time they have been absolute masters of all. Which way they will use this unexpected sovereignty, it will quickly appear. As yet they are settling them-



selves in their new saddle. Before they got up, they gave the King and his party fair words; but now, when all is their own, they may put him in a harder condition than yet he has tasted of. Their proposals, a part of their mind, give to the King much of his desire in bringing back bishops and books, in putting down our covenant and presbytery, in giving ease to malignants and Papists; but spoil him of his temporal power so much, as many think, he will never acquiesce to; albeit it is spoken loud, that he and they are fully agreed.

Our state here, after long expectation to have heard something of the King's own mind and desires, as yet have heard nothing from him to account of. Although he should employ their help against his oppressors, yet he being still altogether unwilling to give us any satisfaction in the matter of our covenant, we are uncertain what course to take; only we do resent to our commissioners to oppose the proposals, and to require a safe-conduct to the Chancellor and Lanerk to come up to the King and parliament. It cost many debates before it came to this conclusion. Our great men are not like to pack up their differences. Duke Hamilton and his friends would have been thought men composed of peace on any terms, and to have cast on other designs of embroiling Scotland in a new war. But when all were weary of jangling debates, the conclusion whereto the committee was brought, was so far to espouse the King's quarrel on any terms, that Argyle and Wariston behoved to protest against our engagement on any such terms. To avoid invidious protestations, both parties agreed to pass an act of not engagement. The proceedings of some are not only double and triple, but so manifold, that as no other, so, in my mind, themselves know not what they finally intend. They who made themselves gracious and strong, by making the world believe that it was their opposites who had brought the country in all the former trouble, and would yet again bring it into a new dangerous war, when it came to the point, were found to precipitate us into dangers, and that in such terms as few with comfort could have undertaken. We have it from divers good hands at London, that some here kept correspondence with Sir Thomas Fairfax, which to me is an intolerable abomination. The present sense of many is this: if the King and the army agree, we must be quiet and look to God: if they agree not, and the King be willing to ratify our covenant, we are all as one man to restore him to all his rights, or die by the way: if he continue resolute to reject our covenant, and only to give us some parts of the matter of it, many here will be for him, even in these terms; but divers of the best and wisest are irresolute, and wait till God give more light.

David Leslie, with a great deal of fidelity, activity, and success, has quieted all our highlands and isles, and brought back our little army; which, we think, shall be quartered here and there, without disbanding, till we see more of the English affairs. The pestilence, for the time, vexes us. In great mercy Edinburgh and Leith, and all about, which lately were afflicted with more of this evil than ever was heard of in Scotland, are free. Some few infections now and then, but they spread not. Aberdeen, Brechin, and other parts of the north, are miserably wasted. St Andrew's and Glasgow, without great mortality, are so threatened, that the schools and colleges now in all Scotland, except Edinburgh, are scattered.

While I had written thus far, by the packet this day from London I learn, that the army daily goes

higher and higher, which to me is a hopeful presage of their quicker ruin. The chief six of the eleven members were coming to you, Stapleton, Esler, Hollis; the second gentleman, for all gallantry in all England, died at Calais. I think it will be hard to the parliament and city to bear these men long; and I hope, if all men were dead, God will arise against them. Munster is not like to be a school to them long. Cromwell and Vane are like to run on to the end of Beccold and Knipperdolling's race. Northumberland has feasted the King at Swahouse; hence he went to Hampton-court. They speak of his coming to Whitehall. If he agree no better with the sectaries than yet he does, that journey may prove fatal. He is not likely to come out of London willingly; and if the army should draw him, that violence may waken sleeping hounds. If they let him come to London, without assurance of his accord with them, they are more bold and venturous than wise; and if the King agree to their state-designs, I think he is not so consonant to all his former principles and practice as I took him.

I know you expect some account of our assembly. Take it, if you have patience to read what I have scribbled in haste, on a very ill sheet of paper. I have no leisure to double; for our commissioners enter every day at seven, and we are about publick business daily till late at night. At our first meeting, there was clear appearance of formed parties for division; but God has turned it so about, that never assembly was more harmonious and peaceable to the very end. The last year, a minister in the Merse, one Mr James Simson, whose grandsire was, as I take it, an uncle or brother to famous Mr Patrick of Stirling, a forward, pious, young man, being in suit of a religious damsel, sister to Mr James Guthrie's wife, had kept with Mr James Guthrie, and others, some private meetings and exercises, which gave great offence to many. When they came before the last general assembly and commission of the kirk, Mr David Calderwood and sundry other very honest men, opposite to malignants, were much grieved, and by that grief moved to join with Mr William Colvil, Mr Andrew Fairfoul, and such whom some took to be more favourable to malignants than need were. These two joined together, made a great party, especially when our statesmen made use of them to bear down those who had swayed our former assemblies. The contest was at the chusing of the moderator. The forementioned party were earnest for Mr William Colvil. Many were for me; but I was utterly unwilling for any such unfit charge, and resolved to absent myself from the first meeting, if by no other means I could be shifted the leet. At last, with very much ado, I got myself off, and Mr Robert Douglas on the leets; who carried it from Mr William Colvil only by four voices. God's blessing on this man's great wisdom and moderation has carried all our affairs right to the end; but Mr David Calderwood having missed his purpose, has pressed so a new way of leeting the moderator for time to come, that puts in the hand of base men to get one whom they please, to our great danger. We spent a number of days on silly particulars. Mr Gillespie came home at our first downsitting. He and I made our report to the great satisfaction of all. You have here what I spoke. Mr Calderwood was much offended with what I had spoken in the end; but my apology in private satisfied him. He, and others of his acquaintance, came with resolution to make great din about privy meetings and novations, being persuaded, and willing to persuade others, that our church was already much pestered with



schism. My mind was clean contrary : and now, when we have tried all to the bottom, they are found to be much more mistaken than I ; for they have obtained, with the hearty consent of these men whom they counted greatest patrons of schism, all the acts they pleased against that evil, wherein the wisdom and authority of Mr Blair has been exceeding serviceable. This yielding on our side, to their desires, drew from them a quiet consent to these things we intended, from which at first they seemed much averse. We agreed, *nemine contradicente*, to that declaration, which was committed to Mr Gillespie and me, but was drawn by him alone ; also, after much debate in the committee, to the Confession of Faith ; and to the printing of the Directory for government, for the examination of the next general assembly ; of the Catechism also, when the little that remains shall come down ; likewise for printing to that same end two or three sheets of Thesis against Erastianism, committed to Mr Gillespie and me, but done by him at London at Voetius's motion ; which we mind, when approved here, to send to him ; who is hopeful to get the consent of your universities and of the general assembly of France to them, which may serve for good purpose. We have put the new Psalter also in a good way.—We have this day very happily ended our assembly with good concord ; albeit Mr David Calderwood, serving his own very unruly humour, did oft very much provoke. He has been so intolerable through our forbearance, that it is like he shall never have so much respect among us. His importunity forced us, not only to a new ridiculous way of abusing the moderator, but on a conceit he has, that a minister deposed should not again be reposed almost in no ease, he has troubled us exceedingly about the power of the commission of the kirk to depose a minister in any ease ; yet we carried it over him. We have obtained leave to print all our English papers, Catechism, Confession, Propositions, and Directory for government and ordination, our debates for accommodation against toleration, our papers to the grand committee, the propositions for government, albeit passed both in our assembly and parliament 1643. Mr David opposed vehemently the printing, and his grand followers, Mr John Smith and Mr William Colvil with him, because they held forth a session of a particular congregation to have a ground in scripture, which he, contrary to his Altar of Damascus, believes to have no divine right, but to be only a commission, with a delegated power from the presbytery, tolerated in our church for a time. With great difficulty could we get the printing of that paper passed for his importunity ; but at last we got all.

An express from London this day tells us, that the army's parliament press the concurrence of our commissioners to send to Hampton-court the propositions to the King. This seems to import the King's refusal of the proposals, and disagreeing yet with the army. And what they will do with the King, if he refuse the propositions also, we know not ; only their last remonstrance shews their resolution to east out of the parliament many more members, and to take the lives of some for example. The spirit that leads them, and the merey of God to that oppressed people, will not permit these tyrannous hypocrites to rest, till, by their own hands, they have pulled down their Babel.

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October 13, 1647.—We gave in this day to the states a remonstrance of the hazard of religion and covenant, if our army should disbaud. We hope

that plot, long hatched, and with too great eagerness driven on, shall this day or to-morrow be broken. Our dangers of farther confusion are great, if God be not merciful. The persecution at London is very intolerable. I am very confident that party, so much opposite to God and man, cannot long stand. Ere long, at my leisure, I may give you a particular account of all our affairs.

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1646.—August 1.

2. *His Majesty's Answer to the Propositions.\**

CHARLES REX,

The Propositions tender'd to his Majesty by the Commissioners from the Lords and Commons assembled in the Parliament of England at Westminster, and the Commissioners of the Parliament of Scotland, (to which the Houses of Parliament have taken twice so many Months for deliberation, as they have assigned Days for his Majesty's Answer) do import so great Alterations in Government both in the Church and Kingdom, as it is very difficult to return a particular and positive Answer, before a full debate, wherein these Propositions, and the necessary Explanation, true Sense and Reasons thereof, be rightly weighed and understood ; and that his Majesty upon a full view of the whole Propositions, may know what is best, as well as what is taken away and changed. In all which he finds (upon discourse with the said Commissioners) that they are so bound up from any capacity either to give Reasons for the Demands they bring, or to give ear to such Desires as his Majesty is to propound, as it is impossible for him to give such a present Judgment of, and Answer to these Propositions, whereby he can answer to God that a safe and well-grounded Peace will ensue (which is evident to all the World can never be, unless the just Power of the Crown, as well as the Freedom and Propriety of the Subject, with the just Liberty and Privileges of the Parliament, be likewise settled :) To which end his Majesty desires and proposeth to come to London, or any of his Houses thereabouts, upon the Publick Faith and Security of the Two Houses of Parliament, and the Scotch Commissioners, That he shall be there with Freedom, Honour, and Safety ; where by his Personal Presence he may not only raise a mutual Confidence betwixt him and his People, but also have these Doubts cleared, and these Difficulties explained unto him, which he now conceives to be destructive to his just Regal Power, if he shall give a full Consent to these Propositions, as they now stand.

As likewise, that he may make known to them such his reasonable Demands, as he is most assured will be very much conducive to that Peace which all good men desire and pray for, by the settling of Religion, the just Privileges of Parliament, with the Freedom and Propriety of the Subject : And his Majesty assures them, That as he can never condescend unto what is absolutely destructive to that just Power which by the Laws of God and the Land he is born unto ; so he will cheerfully grant and give his Assent unto all such Bills, at the desire of his Two Houses, or reasonable demands for Scotland, which shall be really for the Good and Peace of his People, not having regard to his own particular (much less of any body's else) in respect of the Happiness of these Kingdoms. Wherefore his

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\* Rushworth, part iv., vol. i., p. 320.



Majesty conjures them as Christians, as Subjects, and as Men who desire to leave a good Name behind them, that they will so receive and make use of this Answer, that all Issues of Blood may be stopped, and these unhappy Distractions peaceably settled.

Newcastle, Aug. 1, 1646.

To the Speaker of the House of Peers  
*pro Tempore*, to be communicated.

POSTSCRIPT.—Upon Assurance of a happy Agreement, his Majesty will immediately send for the Prince his Son, absolutely expecting his perfect Obedience to return into this Kingdom.

1646.—September.

3. *His Majesty's Answer to the Scots Commissioners at Newcastle.\**

MY LORDS,

I shall begin, by answering what you have now said: For I assure you I had not thus long delay'd my Answer, but to weigh fully those Reasons and Arguments which you have laid before me, whereby to use the uttermost of my Endeavours to give you all possible Satisfaction; for you having told me nothing but what I have heard before, the Change of Answer could hardly be expected. And now I do earnestly desire you to consider what it is that I desire, which is, To be heard; which if a King should refuse to any of his Subjects, he would for that be thought a Tyrant. For this, if I had but slight Reasons, it were the less to be regarded; but they are such, upon which such a Peace as we all desire, doth depend: For albeit it is possible, that if I should grant all you desire, a Peace might be slubber'd up, yet it is impossible that it should be durable, unless there be right understanding betwixt Me and my People; which cannot be without granting what I desire.

Yet I desire to be rightly understood; for tho' many like to Æsop's Fable will call Ears Horns, yet let men say what they will, I am far from giving you a Negative, nay, I protest against it, my only desire being to be heard; For I am confident that upon Debate I shall so satisfy them in some things, as likewise I believe they may satisfy me in many things, that we shall come to a most happy Agreement. This I believe is not much needful to satisfy your Judgments; for I am not ignorant how really your Commissioners at London have endeavoured a Satisfactory Answer to my Message, as likewise what good Instructions have been sent them out of Scotland; so that the Force of Power more than the Force of Reason, hath made you so instant with me as you have been; with which I am so far from finding fault, that what you have done, I take well, knowing that it proceeds out of the abundance of your Zeal to my Service: Therefore as you see I do not mistake you; so I am careful not to be mistaken by you; wherefore again I desire you to take notice, that I do not give a Denial, my desire being only to be heard; as likewise that you will take things as they are, since neither you nor I can have them as we would; wherefore let us make the best of every thing, and now as you have fully performed your Duty to me, so I cannot doubt but you will continue to press those at London to hear Reason: And certainly you can expect little fair

\* Rushworth, part iv., vol. i., p. 327.

dealing from those who shall reject so much Reason, and of that sort, which you have, and I hope will offer them. Not to stay too long upon so unpleasing a Subject, I assure you, that nothing but the Preservation of That which is dearer to me than my Life, could have hinder'd me from giving you full Satisfaction: For upon my word, all the Dangers and Inconveniences which you have laid before me, do not so much trouble me, as that I should not give full Satisfaction to the Desires of my Native Country, especially being so earnestly press'd upon me: And yet here again I must tell you (for in this case Repetitions are not impertinent) that I do not give you a Denial, nay I protest against it; and remember, it is your King that desires to be heard.

1646.—September.

4. *Another paper sent by the King to the Scots Commissioners at Newcastle.\**

MY LORDS,

'Tis a very great Grief to me, that what I spoke to you yesterday, and offer'd to you in writing, concerning Religion, hath given so little Satisfaction: Yet lest the Reasons I then told you, should not be so fully understood, I think it necessary at this time to set them down to you in this Paper: I then told you, that whatsoever was my particular Opinion, I did no ways intend to persuade you to do any thing against your Covenant; wherefore I desire you to consider, whether it be not a great step to your Reformation (which I take to be the chief End of your Covenant) that Presbyterian Government be legally settled. It is true, that I desire that my own Conscience, and those that are of the same Opinion with me, might be preserved, which I confess doth not as yet totally take away Episcopal Government; but then consider withal, that this will take away all the Superstitious Sects and Heresies of the Papists and Independents; to which ye are no less obliged by your Covenant, than the taking away of Episcopacy: And this that I demand is most likely to be but Temporary; for if it be so clear as you believe, that Episcopacy is unlawful, I doubt not but God will so enlighten mine Eyes, that I shall soon perceive it; and then I promise you to concur with you fully in matters of Religion: But I am sure you cannot imagine that there is any hope of converting or silencing the Independent Party, which undoubtedly will get a Toleration in Religion from the Parliament of England, unless you join with me, and in that way I have set down for the Re-establishing my Crown, or at least that you do not press me to do this (which is yet against my Conscience) until I may do it without sinning: Which as I am confident none of you will persuade me to do, so I hope you have so much Charity, not to put things to such a desperate Issue, as to hazard the loss of us all, because for the present you cannot have full Satisfaction from me in point of Religion: Not considering, that besides the rest of the Mischiefs which may happen, it will infallibly set up the innumerable Sects of the Independents; nothing being more against your Covenant, than permitting of those Schisms to increase. As for the Message which I think fit at this time to send, I have chosen rather to mention the Point of Religion in a general than particular way, lest (not knowing all these Reasons which I have set

\* Rushworth, part iv., vol. i., p. 328.



down to you, which are most unfit for a Message) it may give less Satisfaction than I desire : Nevertheless I do conjure you, by that Love and Loyalty you have always professed unto me, That you make use of what I offered yesterday in writing, with these Reasons which I have now set down to you, and those further Hopes I have now given you, for the best advantages of my Service ; with this particular Explanation, That whereas I mentioned that the Church-Government should be left to my Conscience, and those of my Opinion, I shall be content to restrict it to some few Diocesses, as Oxford, Winchester, Bristol, Bath and Wells, and Exeter ; leaving all the rest of England fully to the Presbyterian Government, with the strictest Clauses you shall think upon, against Papists and Independents.

POSTSCRIPT.—I require you to give a particular and full Account hereof to the General Assembly in Scotland, shewing them that I shall punctually make good my last Letter to them, and that this is a very great step to the Reformation desired, not only by the present putting down all Sects and Independents, but likewise presently establishing Presbyterian Government ; hoping that they, as Ministers of God's Word, will not press upon me untimously the matter of Church-Government and Discipline, until I may have leisure to be so persuaded, that I may comply with what they desire, without Breach of Conscience, which I am confident they as Churchmen cannot press me to do.

1646.—December 17.

5. *A Solemn and Seasonable Warning, to all Estates and Degrees of Persons throughout the Land ; By the Commissioners of the General Assembly.\**

The Conscience of our duty, and of the great trust reposed in us, suffereth us not to be silent, nor to connive at the present dangers which may justly be apprehended and expected from the Enemies of this Cause and Covenant ; Who although they cannot in this conjuncture of time appear in the same manner as formerly they have done ; yet having retained the same principles (while they seem to lay aside their former practices) do in a more covert and dangerous way still drive at their own ends ; And as Sathan is neither sleeping nor idle, though he appear not always as a roaring Lion ; So these who are inspired and acted by him, have their wheels still moving, though sometimes they make no great noise. Wherefore that we may truly and faithfully contribute what is incumbent to us, for preventing or removing any occasions of new troubles or differences between the King and his People, in both, or either of those United Kingdoms, or between the Kingdoms themselves ; And least the Church of Christ, and the true Reformed Religion be again tossed with another, and perhaps a greater Tempest in the depth, after we seemed to be near the Harbour ; We have found it, not only competent to our Place and Calling, but necessary for us (according to former laudable Presidents both old and late) To emit this new Seasonable Warning to the People of God in this Land, and to all Estates and Degrees of men therein ; Whom we exhort, That first, and above all things, they apply their thoughts to make peace with God, to take notice of the remaining and renewed tokens of divine displeasure against the

Land, To tremble at the remembrance of former, and appearances of future judgments, To lament after the Lord, To lye low before the Throne of Grace, To cry mightily to Heaven for dispelling that cloud of sin which separateth between our God and us, and for turning away that cloud of wrath which hangeth over our heads. There is cause to be humbled and to repent, as for all our iniquities, So for the too little assistance which hath been given to such as have born the heaviest burthen, and suffered most in this cause ; And for the too much compliance with, and indulgence to many who have been active in the late execrable Rebellion. We know that none can reach the perfection of their duty, neither will the Lord reckon with his People according to his Justice, but spare them who walk in the integrity of their Spirits, as a man spareth his own Son, so that they may rejoice in his mercy, notwithstanding of their short-comings, wherein they do not allow themselves ; But wilful neglects are just grounds of a great controversie on the Lord's part, and of deep humiliation on ours : And we conceive that the failings of many are such, because the word of the Lord is a burthen unto them ; And though they walk in the ways of their own heart, yet they say they shall have Peace ; We would have none that are thus guilty to account light of it, and say, Is it not a little one ? Every duty whereto we are obliged in the Covenant, is of great consequence, and breaches even in smaller things prove inlets unto more grievous revoltings.

When we consider how many who were once open opposers or secret underminers, being received to the Covenant, yet remain disaffected to the ends of the same ; We cannot but think that we walk in the midst of snares, and that mysteries of iniquity work amongst us, which may produce most sad and lamentable effects, unto the prejudice of our Religion and Liberties. Therefore, Because God hath no greater quarrel against a Nation than that of a broken Covenant ; Let all who fear an Oath, remember the vows of God which are upon them, Watch and Pray, and take good heed that they be not cheated nor charmed into a violation of all, or any of the Articles of that Sacred and Solemn League and Covenant ; And let those especially be observed and avoided, who do, or shall endeavour a division and breach between the Kingdoms, or the making of any factions or parties contrary to the Covenant, under pretence of preserving the King and his Authority, whilst they do not constantly and sincerely prosecute and press our frequent desires of his subscribing the League and Covenant, and giving satisfaction in all things to the just desires of both Kingdoms ; which underhand dealing can prove nothing else, but an abusing of His Majesty for mens own designs : We wish that none suffer themselves to be deceived by any false glosses of the Covenant, under which some may possibly urge the keeping of it, so as to draw us into a certain breach thereof, and press the defence of the King's Authority and of Religion, to engage us in those ways that would tend to the ruin of both : We are not now to press the want of full satisfaction in the much desired work of Uniformity, as the ground of a breach between the Nations ; Though we still conceive, this Nation will never be wanting to prosecute that work to the uttermost of their power in all lawful ways, according to the League and Covenant.

These Kingdoms, after many fervent Supplications and faithful endeavours of all the Lovers of Truth and Peace, have been happily united into a League and Covenant, which to this day hath been

\* Rushworth, part iv., vol. i., p. 390.



kept inviolably, notwithstanding of all the opposition of open Enemies, and plotting of secret Underminers; And we are confident that none but such as have hearts full of Atheism and Treachery, will attempt the violation thereof, in whole, or in part; And that if any shall do the same, they shall expose themselves to the Curse of Almighty God, who will be avenged upon all that Swear falsely by his Name. We know that men of perverse minds, wanting the fear of God, and measuring all things by their own ends, may conceive of it as alterable, or at least, that all the Clauses or Heads thereof are not so to be stuck upon, but that some one or more may be dispensed with upon civil advantages: But we have not so learned Christ or his Word: Both Nations have Covenanted with God, and each of them with another, in things most lawful and necessary for the preservation and good of both, without any limitation of time: And therefore we and our Posterity are obliged before God unto the Observation thereof, as long as the Sun and Moon shall endure. The Sense of these things ought to be so deeply engraven upon the hearts of all that are in trust, That as they should from their Souls abhor every thought of a breach with England; So should they carefully and wisely study to avoid every thing that may prove a snare and temptation unto the same. Amongst other things, if his Majesty shall have thoughts of coming to this Kingdom at this time, he not having as yet subscribed the League and Covenant, nor satisfied the lawful desires of his Loyal Subjects in both Nations, We have just cause to fear that the consequences of it may be very dangerous, both to his Majesty and these Kingdoms; Which therefore we desire may be timely prevented.

For so long as his Majesty doth not approve in his heart, and seal with his hand the League and Covenant, we cannot but apprehend, that according to his former Principles, he will walk in opposition to the same, and study to draw us unto the violation thereof, and the dissolution of the Union so happily begun between Us and our Brethren, To weaken the Confidence and Trust, and to entertain jealousies, and make divisions amongst our selves; Neither is it possible, but that our receiving him in this present posture of Affairs, will confirm the suspicions of the English Nation, of our underhand dealing with him before his coming to our Army; And make them, not without cause, to think that we purpose to dispose of him without their consent, and to their prejudice; which is contrary to the Profession of those that were in trust at his Majesty's first coming to the Scots Quarters, and overthroweth all the Arguments that have been used by the Commissioners of our Parliament in their Papers concerning The disposing of his Majesty's Person by the joynt advice and common consent of both Kingdoms given in to both Houses of Parliament in England; Nor do we see how we can vindicate such a practice from a direct breach of our engagements to them by Covenant and Treaty; which were not only to expose us into the hazard of a Bloody War, but to involve us in the guilt of Perjury. And what greater disservice could be done to his Majesty and his Posterity, than to give way to a course that might prove prejudicial to their interest in the Crown and Kingdom of England.

Our carriage now for many years past, in the midst of many tentations, hath put us beyond all suspicion in the point of our Loyalty; nor have we the least thoughts of deserting the King's Majesty in a just and good cause, being bound by our Covenant in our several Vocations to endeavour

with our Estates and Lives, to preserve and defend his Person and Authority, in the defence and preservation of the true Religion and Liberties of the Kingdoms: And so far as his Majesty shall be for these, we really are, and we trust the rest of his Kingdoms will be for him: Yet we cannot deny, but openly avouch it, That if his Majesty (which the Lord forbid) shall not satisfie the just desires of his People; Both Nations stand mutually obliged by that inviolable Covenant to pursue the ends therein expressed (which cannot be divided) against all lets and impediments whatsoever. It is therefore our most earnest and longing desire, That as those who are in trust with the Publick Affairs of this Kingdom have heretofore with all earnestness and care in all their addresses dealt with his Majesty, with much strength of Reason and vehemency of Affection, so they would still deal with him, to grant his Royal consent to the desires of both Kingdoms, for settling Religion according to the Covenant, and for securing a perfect and durable Peace (which we look upon as the only hopeful means of preserving himself, his Crown, and Posterity) That his Majesty may return to his Houses of Parliament in England as a reconciled Prince to satisfied Subjects; And that acclamations of joy may be heard in all his Majesty's Dominions, and no sound of War heard therein any more, except against the bloody Irish Rebels, under whose barbarous and cruel persecution, our distressed Brethren, both in this Kingdom and in Ireland, are still groaning and crying out to us and to our Brethren in England, Be at peace among yourselves, and come to help us.

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*Note of Proceedings in the Convention of Estates relative to the Church, betwixt the Assemblies of 1647 and 1648.*

1648.

*March 27.* Answers of Parliament to the desires of the Commissioners of the General Assembly, represented by them to Parliament, vol. vi., p. 290.

*March 29.* Answers of Parliament to the representation of the Commission of the General Assembly, of their sense on the Parliament's Answer to their right desires, p. 291.

*April 11.* Act anent the Resolutions of Parliament concerning the Breaches of the Covenant and Treaties betwixt the Kingdoms of Scotland and England, and Demands for Reparation thereof, p. 292.

*April 16.* Act concerning the Desires of the Commissioners of the General Assembly, p. 295.

*April 19.* A Declaration of Parliament to all his Majesty's good Subjects, concerning their Resolutions for Religion, King, and Kingdoms, in pursuance of the ends of the Covenant, p. 305.

*April 26.* A Letter from the Parliament of Scotland to the Parliament of England, p. 309.

*April 27.* Desires of the Parliament of Scotland, to the Honourable Houses of the Parliament of England, p. 309.

*May 2.* Answer of the Parliament of Scotland to the Commissioners' Papers of the 19th and 29th of April, 1648, p. 310. A Letter sent from the Parliament of Scotland, to the several Presbyteries within the Kingdom, p. 321.

*June 10.* Act Ordaining all Ministers to exhort their People to obedience to the Laws of the Kingdom, and assuring these Ministers of their Stipends during their lifetime, p. 331. Act and Declaration of Parliament, in Answer to the Supplications from Synods and Presbyteries, p. 332.



## THE GENERAL ASSEMBLY,

AT EDINBURGH, 1648.

THE period in our history to which our attention is now attracted—extending from the beginning of August, 1647, to the 12th of July, 1648—embraces a variety of striking occurrences, and presents, in the progress of the great national drama which was rapidly hastening to its tragical termination, a complication of circumstances well calculated to affect the most sober-minded as well as the more sanguine student. The pillars of society were then indeed shaken to their foundations and utterly overthrown.

When we last paused in our narrative, we left the Sovereign of the British kingdom a prisoner in the hands of a mutinous army in England—the usurping Parliament truckling to an armed force of its own creation—the capital of that kingdom in the possession and under the dominion of the army—and the people suffering from an intolerable load of burdens, and all the horrors of social anarchy. It is unnecessary for our purpose, however, to dilate on these particulars; and we do not intend to enter on them further than is absolutely necessary for illustrating the relative movements in Scotland, which it is our more immediate object to record.

In the Acts of the Assembly 1647,\* our readers will find a Declaration and brotherly Exhortation to their brethren of England, in which they deplore the many obstructions to the triumph of the Covenant and Presbytery, in the variety of pestilent sectaries which had sprung up; and, referring to the Declaration of the Scottish Parliament, of 16th January preceding, they declare that their zeal in that cause does not abate nor diminish anything at all from their loyalty and duty to the King's Majesty; they profess that the Covenant and presbyterial government are so far from hindering or excluding their duty to the King, that it was thereby strengthened and supported. Nothing, however, would induce the clerical party to abate one jot of the Covenant; and they demanded of the King that which he could not, without an utter dereliction of honour and conscience, comply with—an adoption of the Covenant and extirpation of prelacy and all the diversified heresies which abounded in England, under the protection of the English army, then in complete ascendancy over all the authorities of the State.

\* Vide p. 468.

In these circumstances, many of the nobility, and all of the Scottish nation who had shewn any opposition to the Covenant, and hence acquired the designation of *malignants*, bestirred themselves in behalf of the King and the restoration of social order. In pursuance of these objects, and with the view, doubtless, of also wiping off the stigma which, well or ill founded, attached to the nation—as having sold the King to his rebellious English subjects, who had ever after kept him a prisoner—the Scotch resolved to make another effort; and the Committee of Estates, after much debate, agreed to send the Chancellor and Lanerick on a mission to the King and the English Parliament, in order to unite with Lauderdale, who was in England, and, if possible, to effect some reconciliation by persuading the King and the English Parliament to adopt the Covenant. Even this proposition (which was no concession whatever to the King) was unpalatable to the Kirkmen and their friends in Parliament. Argyle and Wariston protested against it as too favourable for the King, and the clergy failed not to declaim against it as an artifice of hated malignancy.

The Scottish Deputies proceeded to England, and, in October, entered on their task of negotiation upon the principles embodied in their instructions, urging the King's acquiescence in the Covenant as a means of insuring support in all his legitimate prerogatives, against those who now avowed hostility to monarchy. Beset and bewildered amidst the conflicting and irreconcilable propositions of the two Parliaments and the army, his Majesty at length, on the 11th of November, made his escape from Hampton Court, and, two days after, took refuge in Carisbrook Castle, in the Isle of Wight; his intention of leaving the country having been baffled, and his person still remaining in the power of what may justly be called the rebel or revolutionary party, in the English Parliament and army, under the guidance of Cromwell and Vane.

On his flight, the King left messages to be communicated to Parliament,\* expressing his favourable opinion of Episcopacy, yet consenting that Presbytery should be established for three years, but with toleration to all who could not submit to it conscientiously. These terms were not acceptable to the Scottish Commissioners, falling far short of what their constituents and the Covenanters insisted on; but they were entirely disregarded by the English Parliament, who, without ever consulting them, passed four Acts, which were entirely on civil points, and substantially denuded the King of every vestige of royalty. The Scottish Commissioners indignantly remonstrated against these Acts as a breach of the treaty with Scotland, and proceeded to the Isle of Wight, where they advised the King against assenting to these Bills, which would subject himself and his people to a military despotism; and formally protested against these domineering ordin-

\* Rushworth, part iv., vol ii., p. 871 and 880.



ances of the English Parliament. Separate negotiations with the King were carried on by them, and speedily digested into a treaty, which soon after became but too well known under the name of "The Engagement." A brief retrospect, however, is requisite before the nature of that treaty is explained.

It is but a debt of justice, which we are gratified to pay to our countrymen, when we reiterate, from the authentic record, that in these very delicate and perplexing circumstances, Lord Loudoun, Chancellor, and his colleagues of the Commission, did all that loyal and brave men could do, under their instructions, to rescue their Sovereign from the grasp of a set of infuriated and armed democrats. So early as 13th August preceeding, the Scottish Parliament had adopted a Declaration and Remonstrance, expressive of their resolution "to redeem his Majesty from the hands of schismaticks, and place him in his Parliament with honour and safety—to procure the peace of the three kingdoms, &c.—all which are not only endangered, but, by likelihood, ready to be destroyed by the power of an over-awing tyrannical army, under the conduct of Sir Thomas Fairfax;" and to this was added an oath, taken by the Parliament of Scotland, and ordered to be taken by all his Majesty's loyal subjects, in which they vowed to "maintain and defend with our lives, powers, and estates, his Majesty's royal person, honour, and estate, as is expressed in our National Covenant, and likewise the power and privileges of Parliament, and the lawful rights and liberties of the subject." After referring to doctrines held by the English Parliament, that *kingly government was inconvenient*, and the King a *public enemy*; that it contemplated the new and arbitrary modelling of Parliament, and the ruin and destruction of the House of Lords;—the declaration referred to, concluded with an intimation, that, failing a remedy for these impending breaches of treaty and loyalty on the part of the English usurping Parliament, the Scottish nation would make such provision of arms and other military forces, as might secure their religion and their King, kingdom, and parliament.\* In pursuance of this resolution, a corps of 3,500 men, under General David Leslie, was cantoned at Jedburgh, and along the Border.

On the 14th of September, (1647,) the King's answer to the propositions which had been sent him, was read in the Parliament, to the effect that he would give full satisfaction to his people for whatsoever should concern the settling of the Protestant profession, with liberty to tender consciences, and the securing of the laws, liberties, and properties of all his subjects, and the just privileges of Parliament, for the future.† This, after various and long discussions, they held to be a refusal of their propositions; and, on the 22d of that month, resolved,

"to fall directly upon the settlement of the kingdom, by establishing such additional laws as might make for the present and future good of the kingdom, turning the propositions into Bills and Acts;‡" and ultimately agreed that tender consciences should be freed, by way of indulgence, from the penalty of the statute for the Presbyterian government on account of their nonconformity, who do meet in some other congregation for worship on Sunday,—that Papists should be subject to penalties in the statute of Elizabeth against them, but no indulgence should extend to tolerate the use of common prayer in any place whatsoever.† On the 18th of October, the Commons sent up sixteen propositions to the Lords, to be sent to the King, among which were these:—That the militia should be under the direction of Parliament for twenty years; that bishops, deans, and chapters, should be abolished; that the bishop's lands should be sold; that the great officers of State should be chosen by Parliament; and that Presbytery should be established for three years.‡

Meanwhile, the army was also engaged in the work of legislation. The agitators of sixteen regiments concocted proposals, which were laid before Parliament on the 1st November, for a reform in the parliamentary representation—for triennial parliaments—for a power in the Commons to erect and abolish all offices and courts; and that, in matters of religion, there should be no parliamentary legislation whatever—"the ways of God's worship are not at all intrusted by us to any human power."§

In these circumstances, the Scottish Commissioners did their duty manfully: on the 5th of November, they sent a letter to the Speaker of the Commons, complaining of the violence done to the King's person by the army, and of his being still detained in captivity; and intimated "that no alteration of affairs shall ever separate them from the duty and allegiance they owe unto his Majesty, nor from their constant resolution to live in loyalty under his government;" requiring the English Parliament to concur with them in a personal treaty with his Majesty.|| At that time, it appears, the Scottish clergy, of all parties, were unwearied in their invectives against the English Parliament and army; and a spirit of hostility was thus fostered and awakened against them.¶ Such was the state of matters when the King escaped from Hampton Court; and, on the 15th of November, letters were received by both Houses from Hammond, the governor, announcing his Majesty's arrival at the Isle of Wight. Of the proceedings which took place on the part of the Scottish Commissioners, from the time of their first communications with his Majesty in October, till the completion of the engagement in December following, we deem it unnecessary to give the details and documents fully, as these are recorded by Burnet, and may be consult-

\* Rushworth, part iv., vol. ii., p. 768 to 771. Acts of Estates.

† Rushworth, part iv., vol. ii., p. 810.

\* Rushworth, part iv., vol. ii., p. 818. † Ibid. p. 842.

‡ Ibid. p. 843.

§ Ibid. p. 859.

|| Ibid. p. 864.

¶ Ibid. p. 869.



ed.\* The Scotch Commissioners, however, were zealous, and, so far as we can see, honest in their counsels to the King to put his veto on the four bills. The consequence of the King's refusal to pass these bills in the end of December was, that he was committed a close prisoner in Carisbrook Castle, by orders of the English Parliament. From that time forward his Majesty was hedged about by the creatures of the levelling faction; his letters intercepted even from the Queen and his daughter; and an English Parliament did not scruple to violate all the sanctities of domestic affection, and to subject these documents to the scrutiny of committees of their appointment.

We must now revert to the proceedings in Scotland arising out of the state of affairs in England, which we have now briefly explained; and although there were many circumstances of a cheering nature, calculated to redeem the national character from the obloquy into which it had fallen in consequence of its participation in the rebellious proceedings of the English usurpers, yet was there a great preponderance of perilous anarchy; and it was at this particular period that a collision arose betwixt the Kirk and the State, which, within a very short space, rent the strength of the kingdom in pieces, and subjected it to the deepest humiliation.

On the 8th of February, 1648, the Grand Committee of the Estates convened at Edinburgh, and adjourned to the 10th on account of the absence of the Scots Commissioners. On the 9th, the Commission of Assembly also met; and, on the 10th, the Committee of the Estates re-assembled, when Loudoun, and the other Scots Commissioners, made reports of their proceedings in England during their recent mission. The discussions which thence arose, and the courses which followed, are of so important a character as to require particular detail, in order to illustrate fully the sad state of distraction and disorganization into which the kingdom had fallen.

The first session of the second triennial Parliament was holden at Edinburgh on the 2d of March, 1648, and, on the 17th, it appointed a committee for preventing dangers—Berwick and Carlisle being garrisoned with malignants. The same day, answers were made to the communication from the Commission of Assembly, in which the Estates pledged themselves “that the grounds and causes of undertaking of war be cleared to be so just as that all who are well affected may be satisfied in the lawfulness and necessity of the ingadgment;”† that religion and the maintenance of the Covenant should be the principal end of all the undertakings of this kingdom; and they desired a Committee of the Church to meet a Committee of Estates on the 24th, to draw up such a state of the question of war, as might unite the nation in a unanimous under-

taking of such duties as were requisite for the reformation and defence of religion.

After intervening conferences, the Estates, on the 11th of April, passed an act anent the Resolutions of Parliament, concerning the breaches of the Covenant and treaties betwixt the kingdoms of England and Scotland, and demands for reparation thereof.\* They waived mention of the non-payment of arrears due on the “brotherly assistance,” and the allowance for the Scottish army in Ireland, (amounting to £312,000 sterling;) and also waived adverting to the disavowal, by the English, of the treaty of 28th November, 1643: and enumerating all the breaches of treaty on the part of the English Parliament, the act concludes with three propositions:—1st, That effectual steps be taken for enforcing the adoption of the Covenant by all the subjects of the Crown of England, conformably to the treaty 1643, which declared all recusants to be public enemies, and liable to punishment—that uniformity and Presbyterianism be settled, and the Directory for worship and Westminster Confession be adopted, and all heresies and the Service Book be suppressed and extirpated: 2dly, That the King should go with all honour, freedom, and safety, to some of his houses in or near London; and that the Parliaments of both kingdoms might communicate with him for establishing religion and peace;—and, 3dly, That the army of sectaries, under the command of Fairfax, be disbanded, and none be employed but such as should take the Covenant, and be well affected to religion and government.

Next day an act was passed for putting the kingdom in a posture of defence, and constituting committees of war in the several counties; and on the 19th, the Estates adopted a Manifesto or Declaration to the nation concerning their Resolutions for Religion, King, and Kingdoms,† in which an elaborate exposition is given of all the causes of complaint against the English Parliament. It sets forth that every article of the League and Covenant had been violated and, in the recent negotiations with the King, entirely set aside—that heresy and schism were tolerated—that the King's person had been violently seized and kept a close prisoner—and it embodied a reiteration of the propositions above stated, to be made to the English Parliament. Disavowing any intention of invading England, or breaking up the amicable relations betwixt the kingdoms, the manifesto stated that the object of their engagement should be the settling of truth and peace under his Majesty's government, and that they would not join with any who should not sign the Solemn League and Covenant; and it concluded by a call on all who had zeal for religion, love to monarchical government, or sense of the sufferings and imprisonment of the King, to support the cause thus proclaimed to the nation.

On the 11th of May, the Estates granted commission to a committee, during the recess of Parliament,

\* Burnet, p. 323-334. Vide also Rushworth, part iv., vol. ii., p. 946-950 *et passim*.

† Acts of Parliament, vol. vi., p. 290.

\* Acts of Parliament, vol. vi., p. 292. † Ibid. p. 305.



with ample powers, and addressed a letter to the several presbyteries within the kingdom, exhorting the clergy to stir up the people, by their preaching and prayers, to yield a willing obedience to the orders of Parliament in the furtherance of its objects. The Parliament then adjourned till the 1st of June.\*

During the progress of these proceedings, there were many altercations betwixt the Committees of Parliament and Assembly; and a virulent opposition arose, which completely severed and crippled the power of Scotland at so important a crisis. The principles of this kirk party are thus briefly given by Dr Cook,† as vouched by Guthrie, Baillie, and Burnett:—"The Ministers, led by Gillespie, who shewed the most inveterate enmity to Charles, required that all classes should take an oath for preserving the ends of the Covenant. This oath, which was zealously defended by Argyle, comprehended the following particulars, sufficiently shewing the virulence of party spirit which prevailed—That, except the King did first subscribe and swear to both Covenants, it was not lawful for any to endeavour his restitution—that there should be no communication with malignants in any of the three kingdoms—that a negative voice should not be given to the King—that these articles should be incorporated with the Coronation oath—and that all who refused to swear to them should be incapable of any office, civil or ecclesiastical, and should forfeit their estates. Against this the Parliamentary Commissioners firmly remonstrated; and an attempt was made by the more moderate ministers to soften some of the articles, combining them with parts of a declaration which the Committee had prepared; but all prospect of union was destroyed by the determination of the Church party to oppose a resolution by the Estates for taking possession of Berwick and Carlisle, with a view to facilitate future warlike operations."

Such a course of opposition, and based upon such principles, needs no commentary: it was resolved on, with the concurrence of Argyle, and some English Commissioners then in Scotland. During the recess of Parliament, in addition to their wonted modes of agitation from the pulpits, petitions came up from synods requiring Parliament to do nothing important without the concurrence of the General Assembly; and the Commission more openly obtruded its interference during the time that the muster of levies was in progress—drew up an answer to the Declaration of Parliament which was circulated through the Presbyteries, denouncing the resolution which had been adopted by Parliament, ordaining the Ministers to read the counter manifesto from their pulpits, and threatening all with excommunication and the divine wrath who should enrol under the standard of the King and Scottish Parliament. A more monstrous instance of usurpation is nowhere to be found in

the past history of the Reformed Church; and even Baillie, one of those who was a party to these extravagant pretensions to political power, is constrained to deplore the consequences which flowed from it. "The danger of this rigidity," he remarks, "is like to be fatal to the King—to the whole isle—both churches and states. We mourn for it to God. Though it proceed from two or three men at most, yet it seems remediless. If we be kept from a present civil war, it is God, and not the wisdom of our most wise and best men, which will save us. I am more and more in the mind that it were for the good of the world that churchmen did meddle with ecclesiastick affairs only; that, were they ever so able otherwise, they are unhappy statesmen."\* But still these misguided men persevered. The Commission presented new remonstrances when the Parliament re-assembled, in the beginning of June; and issued an order to all ministers to preach against the Engagement, under the pain of deposition—an order which disgusted many of the clergy, and divided the Church and the country into two parties, known in our history by the names of Resolutioners and Protesters—the former being in favour of the Engagement for the restoration of the King and Constitution, even clogged with the Covenant; the latter insisting on the supremacy of the Kirk and Covenant, over King, Parliament, and People.

This state of matters could not be tolerated by any civil government and legislature pretending to have even the remotest semblance of authority; and accordingly, on the 10th of June, 1648, two Acts were passed—the one "ordaining all ministers to exhort their people to obedience to the laws of the kingdom, and assuring these ministers of their stipend during their lifetime;" the other ordaining the hail members of Parliament, and all other subjects and inhabitants of the kingdom, "to subscribe that act for defence of the lawfulness of this Parliament, and obedience to the acts thereof!"† The former of these narrates that, "having, for the satisfaction of all his Majesty's good subjects, emitted a declaration containing the grounds of their present resolutions, and expecting an humble obedience and hearty concurrence of all his Majesty's good subjects, especially of the ministry, to this their pious and loyal undertaking; yet they finde that, contrary to diverse standing laws and Acts of Parliament, some of them are so far from giving obedience thereunto, that they, both in their sermons, inveigh against it, and in their private discourse and otherwise, labour, so far as is in their power, to stir up the people to an open opposition against the authority and proceedings of Parliament. Neither do they meet with this obstruction by particular ministers, but also even in these who are now entrusted in the Commission of the General Assembly, as will appear by their Act of the 5th of June instant,

\* Acts of Parliament, vol. vi., p. 319-322.

† Hist. of Church, vol. iii., p. 153.

\* Baillie's Letters, vol. ii., p. 286. See Documents.

† Acts of Parliament, vol. vi., p. 331.



whereby they do recommend to the Presbyteries that, if any ministers be found who do not declare themselves against the present ingagement, nor joyne with their brethren in the common resolutions against it, nor give publick information to the people of the unlawfulness thereof, they may be referred to the next General Assembly, and if any of them have already declared themselves for it, that they be presently censured; whereby the estates findes that, to the great scandal of reformed religion and Presbyteriall Government, they do not only lay a heavie yoke on the consciences of their brethren, who, in conscience of their dutie, finde themselves obliged to give obedience to the lawes of the Kingdom, but also *usurp a power upon themselves to be judges of the lawes and of the proceedings of Parliament*, who, by the fundamental laws of the Kingdom, have in them the only legislative power," &c. And on these grounds they ordain the ministers to stir up the people to reverence and obey the laws and ordinances of Parliament. The other, and relative Act, enjoins subscription to it; obliging all the King's lieges to support Parliament and its constitutions.

Besides these Acts, a further declaration of Parliament was issued, in answer to supplications from Synods and Presbyteries, (who seem to have taken the entire affairs of the country into their own hands, there being no other similar applications from any other classes of the community,) in which the purpose of upholding religion and the Covenant is repeated; and it is declared, "Our undertaking shall not be in any wayes against the Kingdom of England, or to break the union between the two nations, but only for reformation and defence of religion, the honour and happiness of the King and his royal posterity, and the peace and safety of these Kingdoms, against such who have destroyed religion and imprisoned our King"—requiring from the clergy and all the King's good subjects a ready obedience to the command of the Parliament and Committee of Estates.\* These declarations were accompanied by numerous others, for levying and organizing an army to carry this national enterprise into effect. And, on the 10th of June, after passing these various statutes applicable to the state of public affairs, and investing committees with full powers to carry them into effect, the Parliament adjourned itself to the first Thursday of March, 1650.

We have deemed it fitting—passing over minor occurrences and the details of party coalitions and matters connected with military preparations—to present thus fully, from the parliamentary record, the leading points in the transactions of Scotland in the earlier part of the year 1648; and we shall now present, in all their fulness, the Acts of the General Assembly which met on the 12th of July that year, immediately after the adjournment of Parliament. The position of the church and country at that time can only be duly appreciated by viewing, in connec-

tion, the corresponding movements of the two conflicting authorities by which Scotland was so miserably rent and distracted. The effects will be more decisively developed in the introduction to the Assembly of the following year.

## THE PRINCIPALL ACTS

OF THE GENERALL ASSEMBLY CONVEENED AT  
EDINBURGH, JULY 12, 1648.

July 12, 1648. Post Meridiem. Sess. I.

*The Letter from the Synod of Divines in England to the Generall Assembly.*

Right Honourable, right Reverend, and  
dearly beloved Brethren in JESUS CHRIST,

AS we have great cause to blesse God for the brotherly Union of these two Nations in the common Cause of Religion and Liberty, and for that good hand of blessing which hath accompanied the joynt endeavours of both, in the prosecution thereof: So we cannot but be sadly and deeply sensible of those many obstructions and difficulties, wherewith God in his wisdom hath seen good to exercise his Servants in both Kingdoms in the carrying on of that work, wherein they stand so much engaged. Herein he hath clearly manifested his own power, wisdom, and goodness for our encouragement to trust him in the managing of his own Work, and our utter inability to effect it of our selves; thereby to train us up to a more humble and faithfull dependency upon him to do all, when we by our own wisdom and strength can do nothing. Our perplexities we must confesse, are and have been many, and yet in the midst of them all we cannot but thankfully acknowledge it as a token for good, and that which hath bin and still is a great comfort and refreshing to our hearts, that God hath given you wisdom timely to foresee approaching dangers, but especially to behold, as the stedfastnesse of your Faith, in that both formerly you have been and at present are able to trust God in straits and to appear for him in greatest dangers, so your eminent faithfulness and integrity in your firm adhering to your first principles, and chiefly in your constancy and zeal for the preservation and prosecution of the Solemn League and Covenant, so Religiously engaged in by both Kingdoms: In your vigorous pursuance whereof, with much thankfulness to God, We are very sensible more particularly of your steering so steady and even a course between the dangerous rocks of Prophanesse and Malignancie on the one hand, and of Errour, Schisme, Heresie and Blasphemy on the other hand; as also of your constant desires and endeavours to preserve the Peace and Union between the two Nations so nearly and so many wayes United. In all which we humbly acknowledge the mercy and faithfulness of God in guiding you so graciously hitherto; and through his assistance we shall still be ready to afford you the best help and encouragement of our prayers and praises to God on your behalf; having this confidence that he who hath already vouchsafed you and us so many blessed

\* Acts of Parliament, vol. vi., p. 332.



pledges of his favour, will in his own time and way accomplish his own Work, which so much concerneth his own Glory and his Peoples good. To his most gracious protection and guidance in these doubtfull and dangerous times we humbly commend you and all your holy endeavours, and rest.

*Subscribed in the name and by the appointment of the whole Assembly by us,*

CHARLES HERLE, *Prolocutor.*

WILLIAM GOUGE, *Assessor.*

HENRY ROBROUGH, *Scriba.*

ADONIRAM BYFIELD, *Scriba.*

Westminster, June 7, 1648.

DIRECT

To the Right Honourable,  
Right Reverend, the  
Generall Assembly of  
the Church of Scotland,  
or their Commissioners.

July 15. Ante Meridiem. Sess. IV.

*Act concerning Commissions from Burghs.*

IT is resolved by the Generall Assembly, untill the matter concerning Commissioners from Burghs be further thought upon, That in the mean time according to the ordinary practise no Commission to the Generall Assembly be admitted from Burghs, but such as shall be consented to, and approved by the Ministry and Sessions thereof; the persons elected being always Elders.

July 18, 1648. Ante Meridiem. Sess. VI.

*Act concerning the examining of the proceedings of the Commissioners of Assemblies.*

THE Generall Assembly renews and revives the Act of the Assembly holden at Bruntland Anno 1601, concerning the examination of the proceedings of the Commission of the Generall Assembly, tenour whereof follows. "The Assembly bath Ordained that in every Assembly to be convened in all time coming such as shall happen to be appointid Commissioners from the Generall Assembly, to endure while the Assembly next thereafter, shall give an account of their proceedings during the whole time of their Commission in the beginning of the Assembly, before any other cause or matter be handled, and their proceedings to be allowed or disallowed as the Assembly shall think expedient."

July 18, 1648. Post Meridiem. Sess. VII.

*Approbation of the proceedings of the Commission of the preceding Assembly.*

THE Generall Assembly having examined the proceedings of the Commission of the preceding Assembly, especially their Declarations, Remonstranees, Representations, Petitions, Vindication, and other Papers relating to the present Engagement in War, Do unanimously finde that in all their proceedings, they have been zealous, diligent and Faithfull in discharge of the trust committed to them; And therefore ratifie and approve the whole proceedings, Acts and conclusions of the said Commission, and particularly their Papers relating to the said Engagement, and their

judgement of the unlawfulness thereof, Appointing Mr John Moncrieff Moderator *pro tempore* to return them hearty thanks in name of the Assembly for their great pains, travells and fidelity in matters of so great concernment to the Cause of God and to this Kirk, amidst so great and many difficulties.

July 20, 1648. Post Meridiem. Sess. X.

*Approbation of the larger Catechisme.*

THE Generall Assembly having exactly examined and seriously considered, the larger Catechisme agreed upon by the Assembly of Divines sitting at Westminster with assistance of Commissioners from this Kirk, Copies thereof being Printed, and sent to Presbyteries for the more exact tryall thereof, and publick intimation being frequently made in this Assembly, that every one that had any doubts or objections upon it, might put them in; Do finde upon due examination thereof, That the said Catechisme is agreeable to the Word of God, and in nothing contrary to the received Doctrine, Worship, Discipline and Government of this Kirk, a necessary part of the intended Uniformity in Religion, and a rich treasure for increasing knowledge among the people of God: And therefore the Assembly, as they blesse the Lord that so excellent a Catechisme is prepared, so they Approve the same as a part of Uniformity; Agreeing for their part, that it be a common Catechisme for the three Kingdoms, and a Directory for Catechising such as have made some proficiency in the knowledge of the grounds of Religion.

July 21, 1648. Ante Meridiem. Sess. XI.

*Act against sudden admitting deposed Ministers to particular Congregations.*

THE Generall Assembly considering the danger of sudden receiving of deposed Ministers at this time when Malignancy is likely to spread; Therefore finding it necessary untill the ends of the Solemn League and Covenant be settled and secured to restrain the suddenness of admitting deposed Ministers to particular charges; Do ordain that notwithstanding any License to be granted for opening the mouths of deposed Ministers yet they shall not be actually admitted to any particular Congregations without consent of the Generall Assembly; Declaring for such as have already their mouths opened before the time, that if any calling to a particular charge offer unto them before the next Assembly, it shall be sufficient for them to have the consent of the Commissioners of this Generall Assembly.

July 25, 1648. Ante Meridiem. Sess. XIV.

*The Assemblies Answer to the Paper sent from the Committee of Estates of the 24 July.*

THE Generall Assembly having considered the Paper of the 24 July delivered to them from the conference, and having compared it with the other Paper of the 17 of July presented from the Honourable Committee of Estates whereunto it relates, and with the Declaration lately emitted by the Committee to the Parliament and Kingdom of



England, finde that it is supposed by their Lordships, that we may be satisfied in point of the security of Religion according to the Covenant, notwithstanding of the present engagement in war; The Assembly do therefore in answer to the said Paper declare,

That we see no possibility of securing Religion; as long as this unlawfull Engagement is carried on, Religion being thereby greatly endangered.

1. Because none of the just and necessary desires of the Commission of the late Generall Assembly for securing Religion have bin granted or satisfied; More particularly it was represented to the High and Honourable Court of Parliament, that for securing of Religion, it was necessary that the Popish, Prelaticall and Malignant party, be declared Enemies to the Cause upon the one hand, as well as Seetaries upon the other, and that all Associations, either in Forces or Councils with the former as well as the latter be avoided. That his Majesties Concessions and offers concerning Religion, sent home from the Isle of Wight, be declared by the Parliament to be unsatisfactory, That before his Majesties restitution to the exercise of his Royall power, assurance be had from his Majesty by his solemn Oath under his hand and Seal for settling Religion according to the Covenant, That their Lordships should keep themselves from owning any quarrell concerning his Majesties Negative voice, That the managing of the publike affairs, might be entrusted onely to such persons as have given constant proof of their integrity, and against whom there is no just cause of exception or jealousie, and that there might be no Engagement without a solemn Oath, wherein the Kirk ought to have the same interest they had in the Solemn League and Covenant; All which are more particularly expressed in the Papers given in by the Commission of the late Assembly to the Parliament; notwithstanding the Engagement hath been carried on without satisfaction to these and the like desires, and so without giving security in the point of Religion, but with great and manifest danger to the same.

2. As the happy Union of the Kingdoms, by the Solemn League and Covenant hath been justly looked upon as a speeciall means for preserving and strengthening the true Reformed Religion in this Island, So it is no lesse weakened and hurt by endeavouring a breach between these Kingdoms; Which howsoever disclaimed, is yet manifest from the reality of the publike proceedings in this Engagement, and namely from the neglect of endeavouring a Treaty between the Kingdoms for preventing of War and bloodshed as was earnestly desired, from their associating and joyning with known Malignants and Incendiaries, and such as have been declared Enemies to this Cause, from their entring the Kingdom of England with an Army, upon the grounds of the Declaration of the Parliament, which cannot but infer a National quarrell against the Parliament and Kingdom of England, and from their garrisoning the frontire Towns of that Kingdom.

3. The Engagement is carried on by such means and ways, as tend to the destroying of Religion, by ensnaring and forcing the consciences of the people of God with unlawfull Bands and Oathes, and oppressing the Persons and Estates of such as have been most active and zealous for Religion and the Covenant. All which is strengthened and authorized by Acts of Parliament, appointing that all that do not obey, or perswade others not to obey the Resolutions of Parliament and Committee anent this Engagement, or who shall not subscribe the Act and

Declaration of the 10 June, 1648, imposed upon all the Subjects, shall be holden as enemies to the Cause and to Religion, and have their persons secured and their Estates intronnetted with.

4. The Engagement is carried on, not without great encroachments upon the Liberties of the Kirk, as we are ready to clear in many particulars.

Wherefore the security of Religion, and carrying on of the present Engagement being inconsistent, We do propose for the necessary security and safety of Religion, that all the dangers thereof may be taken to consideration, and amongst the rest the said Engagement as one of the greatest which yet being established and authorized by Act of Parliament, we leave it to their Lordships to think of what remedies may be provided for redressing grievances which flow from such Acts and Ordinances, This we are sure of, the publike desires of the Kirk will abundantly witness for us, that such things as were necessary for the security of Religion, were in due season represented, and yet not granted by them that had greater power and authority at that time, when it was much more easie to give satisfaction therein then now; So that the blame cannot lye upon the Generall Assembly or their Commissioners that Religion is not secured.

July 28, 1648. Ante Meridiem. Sess. XVIII.

*Act and Declaration against the Act of Parliament and Committee of Estates ordained to be subscribed the 10 and 12 of June, and against all new Oathes or Bands in the common Cause imposed without consent of the Church.*

THE Generall Assembly taking to consideration a Declaration and Act of Parliament of the date 10 of June, 1648, highly concerning Religion, and the consciences of the People of God in the Land, and one Act of the Committee of Estates, of the date 12 of June, 1648, both published in Print, whereby all Subjects are Ordained by subscription to acknowledge as just, and oblige themselves to adhere unto the said Act and Declaration, containing an obligation upon their honours and credits, and as they desire to be, and to be holden, as lovers of their Country, Religion, Laws and Liberties, to joyn and coneur with their persons and Estates in the assistance of the execution, and observation of the Acts and Constitutions of this Parliament, as the most fit and necessary remedies of the by-gone and present evils and distractions of this Kirk and Kingdom, and for the preservation of Religion, Laws and Liberties, and of his Majesties authority, with certification that such as refuse or delay to subscribe the same, shall be holden as Enemies and Opposites to the common Cause, consisting in the maintenance of the true reformed Religion, of the Laws and Liberties of the Kingdom and of his Majesties authority. Which subscription the Assembly cannot otherwise look upon, then as a snare for the People of God to involve them in guiltinesse, and to draw them from their former Principles and Vows in the Solemn League and Covenant. For that subscription were an approving of some Acts of Parliament, which they have never yet seen nor known, they not being all published, were an agreeing to Acts of Parliament, highly concerning Religion and the Covenant, made not onely without, but expressly against the advise of the Kirk, were an acknowledging of this present Engagement in War, in all the means and ways for promoting the same, to be the most fit and necessary remedies of the by-gone and



present evils, whereas so many Petitions to the Parliament, from Committees of War, Synods, Presbyteries and Paroches have made it appear, that they are no way satisfied therewith in point of conscience; were an ascribing of a power to the Parliament, to declare these to be enemies to the true Religion, whom the Kirk hath not declared to be such but rather friends; were an approving of an Act made for the restraining the liberty of printing from the Kirk, yea and of all the Acts of the Committee of Estates, to be made in time coming, till March, 1650, which by Act of Parliament are ordained to be obeyed; were an allowing of Acts for securing of the persons, and introuetting with the Estates of such as themselves shall not obey, or perswade others not to obey resolutions concerning this Engagement, and for protecting persons under Kirk Censures, and so an infringing and violating of the Liberties and Discipline of the Kirk established by the Laws of the Land, and sworn to in the Nationall Covenant to be defended, under the pains contained in the Law of God. And in all these, such as do subscribe, do binde themselves not only to active obedience in their own persons, but to the urging of active obedience upon all others, and so draw upon themselves all the guiltinesse and sad consequences of the present Engagement; Yea, such as are Members of Parliament, and have in the Oath of Parliament sworn not to Vote or consent to any thing, but what to their best knowledge, is most expedient for Religion, Kirk and Kingdom, and accordingly have reasoned against, and dissented from divers Acts of this Parliament, These by the subscription of this Act, cannot eschew the danger of perjury, in obliging themselves to active obedience to these Acts, which according to their Oath, they did judge unlawfull. Neither can the 38 Act of the Parliament 1640, wherein such a kinde of Band was enacted to be subscribed by any precedent or Warrant for subscribing of this Act; For it plainly appears by the narrative of that Act omitted in this Band, how great a difference there is between the condition of affairs then and now. Then the Kings Commissioner had left and discharged the sitting of the Parliament, then the Parliament for sitting was declared Traitors, and Armies in England and Ireland prepared against them, then not only the Acts, but the very authority of Parliament was called in question, then Kirk and State were united in the Cause against the Malignant party, then nothing was determined in Parliament in matters of Religion without, much lesse against the advice of the Kirk: But beside that, it was not thought expedient by the State, that that Band should be pressed through the Kingdom. The case now not onely differs from what was then, But is in many things just contrary, as is evident to all who will compare the two together. And therefore the Generall Assembly professing all tender respect to the High and Honourable Court of Parliament and Committee of Estates, but finding a straiter tye of God lying upon their Consciences, that they be not found unfaithfull watchmen, and betrayers of the souls of these committed to their charge, Do unanimously Declare the foresaid subscription to be unlawfull and sinfull. And do warn, and in the Name of the Lord Charge all the members of this Kirk, to forbear the subscribing of the said Act and Declaration, much more the urging of the subscription thereof, as they would not incur the wrath of God, and the Censures of the Kirk. And considering how necessary it is that according to the eighth desire of the Commissioners of the Assembly to the Parliament, the Kirk might have the same interest in any new Oathes

in this Cause, as they had in the Solemn League and Covenant, and what dangers of contradictory Oathes, perjuries and snares to mens consciences may fall out otherwise: Therefore they likewise Enjoyne all the members of this Kirk, to forbear the swearing, subscribing or pressing of any new Oathes or Bands in this cause, without advise and concurrence of this Kirk, especially any negative Oathes or Bands, which may any way limit or restrain them in the duties whereunto they are obliged, by nationall or Solemn League and Covenant, and that with certification as aforesaid. And such as have already pressed or subscribed the foresaid Act and Declaration, The Generall Assembly doth hereby exhort them most earnestly in the bowels of Christ, to repent of that their defection. And Ordains that Presbyteries, or in case of their negligence or being overawed, the provincial Synods or the Commission of the Assembly, which of them shall first occur, and in case of the Synods negligence, that the said Commission be carefull to proceed against, and censure the Contraveeners of the Act according to the quality and degree of their offences as they will be answerable to the Generall Assembly; and that therefore this Act be sent to Presbyteries to be published in the several Kirks of their bounds.

Eodem die Post Meridiem. Sess. XIX.

*Approbation of the Shorter Catechisme.*

THE General Assembly having seriously considered the shorter Catechisme, agreed upon by the Assembly of Divines sitting at Westminster, with assistance of Commissioners from this Kirk, Doe finde upon due examination thereof, That the said Catechisme is agreeable to the Word of God, and in nothing contrary to the received Doctrine, Worship, Discipline and Government of this Kirk, And therefore Approve the said shorter Catechisme as a part of the intended Uniformity, to be a Directory for Catechising such as are of weaker capacitie.

*Act discharging a little Catechisme printed at Edinburgh, 1647.*

THE General Assembly having found in a little Catechisme, printed at Edinburgh, entituled, "The A, B, C, with the Catechisme, That is to say, an instruction to be taught and learned of young children," very grosse errors in the point of Universal Redemption, and in the number of the Sacraments, Therefore doe discharge the venting or selling of the said Catechisme of the foresaid impression, or of whatsoever other impression the same be of, and all use thereof in Schools or Families, Inhibiting also all Printers to reprint the same, And recommends to Presbyteries to take speciall care that this Act be obeyed.

Vlt. Iuly, 1648. Post Meridiem. Sess. XXI.

*A Declaration of the Generall Assembly concerning the present dangers of Religion, and especially the unlawfull engagement in War, against the Kingdom of England; Together, with many necessary exhortations and directions to all the Members of the Kirk of Scotland.*

IT cannot seem strange to any that considereth the great trust that lyeth on us, comparing the same with the eminent dangers wherewith the Cause of God is invironed in this Land, if at this time We



declare our sense thereof, and warn the people of God from this watch-tower of the present duties incumbent to them: Our witnesse is in heaven, and our record on high, that we doe not this from any dis-respect to the Parliament whom we have honoured and will ever honour and also obey in all things which are agreeable to the Word of God, to our Solemn Covenants, and to the duties of our callings, Nor from any disloyalty or undutifulnesse to the Kings Majesty, to whom we heartily wish, and to his posterity after him, a happy Reigne over these Dominions, Nor from any factious disposition or siding with this or that party whatsoever, Nor from any contentious humour about light or small matters, Nor from any favour to or complyanee with Sectaries, against whose cursed opinions and ungodly practises, we have heretofore given ample testimony, and are still obliged by Solemn Covenant to endeavour the extirpation of Heresie and Schism; But from the conscience of our duty when the glory of God, the Kingdom of his Son, his Word, Ordinances, Government, Covenant, Ministry, Consciences of People, Peace and Liberties of the Kirk are incompassed and almost overwhelmed with great and growing dangers.

How freely and faithfully the servants of God of old have rebuked sin in persons of all ranks, not sparing Kings, States nor Kingdoms, the Scripture maketh it most plain to all that look thereon; Neither want we domestick examples, if we look back a little upon the behaviour of our zealous Ancestours in this Kirk, who not only in their Sermons severally with great gravity and freedom reproved the sins of the time, But more especially in the Kirk Judicatories plain and downright dealing was most frequent and familiar, as appears in the Assemblies holden in June and in October, 1582, in October, 1583, in May, 1592, in May, 1594, and in March, 1595. And not only the General Assembly by themselves, but also by their Commissioners faithfully and freely laboured to oppose all the steps of defection; as at other times, so in the year 1596, wherein four or five severall times they gave most free admonitions to the King, Parliament and Councell, with a Protestation at the last before God, that they were free of their blood, and of whatsoever judgement should fall upon the Realm, and that they durst not for fear of committing High Treason against Jesus Christ the onely Monarch of his Kirk, abstain any longer from fighting against their proceedings with the spirituall armour granted to them of God, and mighty in him for overthrowing all these bulwarks set up against his Kingdom: And in their Declaration then emitted to the Kingdom, they shew that it was a main design to have the freedom of the Spirit of GOD in the rebuke of Sin by the mouth of his Servants restrained; and therefore they warne all Pastours of their duty in applying Doctrine and free preaching. Like as the Assembly, 24 March 1598 reekons up amongst the corruptions of the Ministry to be censured with deprivation, if continued in, the not applying their Doctrine against the corruptions of the time, which was renewed in our late Assembly at Glasgow 1638. What hath been done since that Assembly is in recent memory, and the Papers to that purpose have been published in Print, and are in the hands of all, Therefore being warranted by the Word of God, and encouraged by the forementioned examples, as after exact examination, we have approved the proceedings of the Commissioners of the last Generall Assembly, and specially their Declarations, Desires, Representations, Remonstrances, Supplications, Vindication and other

Papers, relating to the present engagement in War, wherein they have given good proof of their fidelity, wisdom and zeal in the cause of God, So we findo our selves necessitate to make known unto all the People of God in this Nation our sense concerning the dangers and duties of this present time.

The cry of the insolencies of this present Army from almost all the parts of this Kingdom, hath been so great that it hath gone up to heaven, and if we should be silent, we could not be reputed faithful in the performance of our duty. We do acknowledge that it is incident unto all Armies to be subject unto some disorders, and the Ministers of the Kingdom have not been deficient in former times to represent the same as they come unto their knowledge, calling for the redresse of them at their hands who had power: But the Commissioners of this present Assembly from the severall Provinces have exhibited great variety of abominable scandalls and hainous impieties and insolencies committed by persons employed in this service, whereof we think fitting here to give you a touch.

As if liberty had been proclaimed to the lusts of lewd men, These that have been employed in very many places of the Land have used horrible extortion of Moneys at their pleasure, and beside the taking of victuals as they would for their own use, they have in severall places wilfully destroyed the same, and have plundered many houses, taking all away they could, and destroying what they could not carry away; In this great oppression and spoil of goods as the sufferers were many, so choise hath been made of those who Petitioned the High and Honourable Court of Parliament for satisfaction to their Consciences before the Engagement, or who were known to make conscience of the worship of God in their families, on whom they might exercise their raging wrath and unsatiabie covetousnesse; Nor stayed their rage here, but as though the war had been against God, publick Fasts have not only been neglected, but profaned by riotous spending and making merry, Divine Worship have been in many parts disturbed, some Ministers and people impeded from coming together, others scattered when they were met, some taken out of Kirks in time of worship, others apprehended at their coming out at the Kirk doors and carryed away; Besides these Ministers in performing the worship of God have been menaced, contradicted, not without blasphemous Oathes, yea their persons in Pulpit assaulted, not to speak of the spoiling of their goods, taking, beating, carrying away their persons and detaining them for a time. And finally that which exceeds all the rest and is more immediately and directly against God, there hath also been many cruell mockings of his Worship, and horrid blasphemies; And it is not to be marvelled that such insolencies have been committed, since there hath been admitted upon this service some Papists, some bloody Irish Rebels, some non-Covenanters, and very many fugitives from Kirk Discipline, Finally, even those who have been upon the late Rebellion, and these not onely common Souldiers but Commanders, beside many voluntiers who have no speciall command and trust.

Besides all these, the Liberties of the Kirk have been grievously eneroached upon: 1. By emitting Declarations from the Parliament and Committee of Estates, containiug severall things highly concerning Religion without the advice or consent of the Generall Assembly or their Commissioners, which was a ground of protestation to divers Members of Parliament who have been most zealous and active in the Cause. 2. The Article of Religion



as expressed in the Declaration of Parliament hath in it many dangerous expressions, which are particularly instanced in the Representation of the Commissioners of the Generall Assembly; And the same Article of Religion in the late Declaration of the Committee of Estates to England is more unsatisfactory then the former: Like as in the said late Declaration there is a totall omission of some most materiall things pretended to in the Declaration of Parliament as satisfactory in point of securing Religion, viz. the clause concerning security to be had from his Majesty by his solemn Oath under his hand and Seal, that he shall for himself and his Successors give his Royall assent, and agree to such Act or Acts of Parliament, and Bills as shall be presented to him by his Parliaments of both and either Kingdoms respectively for enjoying Presbyteriall Government, Directory of Worship and Confession of Faith in all his Majesties Dominions, and that his Majestic shall never make opposition to any of those, nor endeavour any change thereof; also the clause against association with any that refuse to take the Covenant is omitted: From all which it may appear in how great danger the liberties of the Kirk and even Religion it self are left.

3. In the close of the Declaration of Parliament, there is a new and unsound glosse put upon the Covenant and Acts of Generall Assembly, contrary to the sense of the General Assembly it self, as is more fully expressed in the Representation of the late Commission.

4. No redresse by the Parliament of certain injuries complained of to their Lordships by the Commissioners of the preeeding Generall Assembly.

5. Endeavours to weaken and frustrate Kirk-Censures by making provisions for securing the stipends of such as shall be censured for their concurring in, or preaching for this present Engagement.

6. A misrepresentation of the proceedings of the Commission of the Generall Assembly by the Parliaments Letter of May 11, to the severall Presbyteries, endeavouring to incense them against the Commission of the late Assembly and to pre-occupie their Commissioners to this Assembly.

7. Whereas there were many Petitions presented to the High and Honourable Court of Parliament from the Commissioners of the Generall Assembly, Synods and Presbyteries against the present Engagement as stated in the Parliaments Declaration, yet notwithstanding of the said Petitions, and notwithstanding of many free and frequent warnings given by faithfull Ministers in their Sermons, notwithstanding also that it was not unknown how much the generality of the well-affected in the Kingdom were unsatisfied in their consciences with the grounds and way of the said Engagement, yet good people are not onely left unsatisfied in their and our desires, but compelled and forced either to sin against their consciences or to be under heavy pressures and burdens:

8. Yea in the late Band injoynd to be subscribed by all the Subjects of this Kingdom, men are put to it to joyn and concur with their Persons and Estates, in the advancement, furtherance and assistance of the execution, obedience, and observation of the Acts and constitutions of the late Parliament; and consequently, as many as think the Engagement unlawfull, shall binde themselves not onely to obey for their own part against their consciences, but to inforce the same upon others who refuse, and so not onely be oppressed, but turn oppressours of others.

9. This all the subjects are required by the Act and Declaration of Parliament to subscribe, as they desire to be holden true lovers of Religion; It being further affirmed in the said Act and Declaration, that the

Acts and Constitutions of the late Parliament, are the most fit and necessary remedies for preservation of Religion; where the Parliament assume to themselves, without the advice and consent of the Assemblies of the Kirk, to judge and determine such things wherein, (if in any thing) the Ecclesiasticall Assemblies have undoubtedly a speeiall interest, viz. who are to be holden lovers of Religion, and what are the most fit and necessary remedies for preservation of Religion: Yea it is ordained by the fourth Act of Parliament, 1640, that for preservation of Religion, Generall Assemblies rightly constitute, as the proper and competent Judge of all matters Ecclesiasticall, be kept yearly and oftner *pro re nata*. The Coronation Oath doth also suppose the antecedent Judgement of the Kirk, as the proper and competent judge who are enemies to true Religion and who not; for his Majesty obliged himself by that Oath, that he should be carefull to root out all Hereticks and enemies to the true Worship of God, who shall be conviet by the true Kirk of God, of the aforesaid crimes.

10. The General Assembly and their Commissioners are now deprived of their liberty of Printing, confirmed and ratified by Act of Parliament, there being an inhibition to the contrary upon the PRINTER, under the pain of Death by the Committee of Estates.

Whereas the desires of the Commissioners of the last Assembly, for the safety and security of Religion, and the right manner of proceeding to war, together with the supplications of Provinciaall Assemblies and Presbyteries, all tending to the composing of the present unhappy differences, and to the begetting of a right understanding, have not produced the desired and wished-for effect; But on the contrary our just grievances being still more and more heightened, iniquity established by a law, and that law put in execution; We cannot chuse but declare and give warning to all the people of God in this land, concerning the sinfulness and unlawfulness of the present Engagement, which may be demonstrate by many reasons, as namely,

1. The Wars of Gods people, are called the Wars of the Lord; Numb. 21, 14; 2 Chron. 20, 15, and if our eating and drinking, much more our engaging in war must be for God and for his glory; 1 Cor. 10, 31, whatsoever we do in word or deed, we are commanded to do all in the name of the Lord Jesus, and so for his glory, Col. 3, 17. The Kingdom of God and the righteousness thereof is to be sought in the first place and before all other things, Math. 6, 33. It was the best flower and garland in the former expeditions of this Nation, that they were for God and for Religion principally and mainly. But if the principall end of this present Engagement were for the glory of God, How comes it to passe that not so much as one of the desires of the Kirk, for the safety and security of Religion in the said Engagement, is to this day satisfied or granted; But on the contrary such courses taken as are destructive to Religion: And if Gods glory be intended what meaneth the employing and protecting in this army so many blasphemers, persecutors of Piety, disturbers of divine worship, and others guilty of notorious and crying sins. Again, how can it be pretended that the good of Religion is principally aimed at, when it is proposed and declared that the Kings Majesty shall be brought to some of his houses in or near London, with Honour, Freedom and Safety, before ever there be any security had from him, or so much as any application made to him for the good of Religion. What is this but to postpone the honour of God, the liberties of the Gospel, the safety of Gods people to an humane



interest, and to leave Religion in a condition of uncertainty, unsetlednesse and hazard, while it is strongly endeavoured to settle and make sure somewhat else.

2. Suppose the ends of this Engagement to be good (which they are not) yet the meanes and ways of prosecution are unlawfull, because there is not an equall avoiding of rocks on both hands, but a joyning with malignants to suppress Sectaries, a joyning hands with a black devill to beat a white devill; They are bad Physicians who would so cure one disease as to breed another as evil, or worse. That there is in the present Engagement a confederacy and association in war with such of the English who according to the Solemn League and Covenant and Declarations of both Kingdoms, 1643, can be no otherwise looked upon but as Malignants and enemies of Reformation and the Cause of God, is now made so manifest before Sun and Moon, that we suppose none will deny it; And tis no lesse undeniable, that not only many known Malignants, but diverse who joyned in the late rebellion within this Kingdom are employed, yea, put into places of trust: All which how contrary tis to the Word of God, no man can be ignorant who will attentively search the Scriptures, for we finde therein condemned confederacies and associations with the enemies of true Religion, whether Canaanites, Exod. 23, 32, and 34, 12, 15, Deut. 7, 2, or other heathens, 1 King 11, 1, 2, such was Asa his Covenant with Benhadad, 2 Chron. 16, to v. 10. Ahaz his confederacy with the King of Assyria, 2 King 16, 7, 10, 2 Chron. 28, 16, to v. 23, or whither the association was with wicked men of the seed of Abraham, as Jehoshaphats with Achab, 2 Chron. 18, 3, compared with chap 19, 2, also his association with Ahaziah, 2 Chron. 20, 35, and Amaziah associating to himself 100,000 of the ten Tribes when God was not with them, 2 Chron. 25, 7, 8, 9, 10. The sin and danger of such associations may further appear from Isaiah 8, 12, 15, Jer. 2, 18. Psal. 106, 35. Hos. 5, 13, and 7, 8, 11. 2 Cor. 6, 14, 15, and if we should esteem Gods enemies to be our enemies, and hate them with perfect hatred, Psal. 139, 21, how can we then joyn with them as confederates and associates, especially in a cause where Religion is so highly concerned; and seeing they have been formerly in actual opposition to the same cause.

3. We are commanded if it be possible and as much as lieth in us to have peace with all men, Rom. 12, 18, to seek peace and pursue it, Psal. 34, 14, war and bloodshed is the last remedy after all the ways and means of peace have been used in vain. The intended war of the nine Tribes and a half against the two Tribes and half was prevented by a Message and Treaty of Peace, Josh. 22; The like means was used by Jephthah (though not with the like success) for the preventing of war with the King of Ammon, Judg. 11. The very light of nature hath taught Heathens not to make war till first all amicable wayes of preventing bloodshed were tried; yet this war hath been driven on without observing any such method of proceeding except by a message wherein not so much as one breach was represented. Yea though these two Kingdoms are straitly united in Covenant, yet these who have carried on this war did not only neglect to desire a Treaty, but also slight an offer of a Treaty made from the Parliament of England upon the Propositions of both Kingdoms.

4. There are many clear and full testimonies of Scriptures against the breach and violation of Covenants, although but between man and man, Psal.

55, 20. Rom. 1, 31. 2 Tim. 3, 3. Especially where the name of God was interposed in Covenants by any of his people, Jer. 34, 8, 10, 11, 18. Ezek. 17, 18, 19. How much more the violation of a Solemn Covenant between God and his people, Lev. 26, 15, 25. Deut. 17, 2, and 29, 21, 14, 25. Jer. 22, 8, 9. 1 King 19, 10. Dan. 11, 32. Hos. 6, 7. If therefore the present Engagement be a breach of our Solemn League and Covenant, then they who have before taken the Covenant, and have now joyned in this Engagement, must grant by necessary and infallible consequence, either that the Covenant it self which they took was unlawful, and such as they cannot perform without sin (which yet they cannot professe) or otherwise, that the Engagement is unlawfull and sinfull, as being a breach of Covenant, and so contrary to the Word of God; that the present Engagement is a breach of Covenant may appear by comparing it with each of the Articles, for it is against all the six Articles of the Covenant.

Against the first, because instead of the preservation of the Doctrine, Worship, Discipline and Government of this Kirk; there is not only a great quarrelling by those that do Engage, at the present doctrine, and free preaching, a disturbing of, and withdrawing from the Worship, and namely from the late solemn humiliation: But also a refusal of such things as were desired by the Commission of the late Assembly and Provinciall Synods, as necessary to the preservation of the true Reformed Religion: And we have just cause of fear that the Reformation of Religion in Doctrine, Worship, Discipline and Government is not intended to be sufficiently maintained and preserved, when we finde such a limitation and restriction in the late Declaration of the Committee of Estates to the Parliament and Kingdom of England, That they will maintain and preserve the Reformation of Religion, Doctrine, Worship, Discipline and Government, as is by the mercy of GOD, and his Majesties goodnesse established by Law among us; but as there is no such limitation in the Covenant, so we have not had such proof of his Majesties goodnesse as to establish by Law all that hath been by the mercies of God enacted in Geuerall Assemblies. As to the rest of the first Article, concerning the Reformation of England and Ireland, and the Uniformity, as there was some hopefull beginnings thereof, and a good foundation laid, during the late War against the Popish Prelaticall and Malignant party, so the state and ground of the War being now altered, and these chosen for confederates, and associates in the War, who are known enemies to that Reformation, and Uniformity, how can the Covenant be kept in that point as long as such a War is carried on.

The second Article is violated because in stead of endeavouring to extirpate Popery and Superstition without respect of persons (as is exprest in the Covenant) there is in the late Declaration of the Committee of Estates a desire of the Queens return, without any condition tending to the restraint of her Masse or exercise of Popery; We do also conceive there is a tacit condescending to the toleration of Superstition and the Book of Common-prayer in His Majesties family, because as it was reserved by himself in his concession, brought home by the Commissioners of this Kingdom, So these concessions were never plainly declared by the Parliament to be unsatisfactory to their Lordships, howbeit it hath been often and earnestly desired: neither can we conceive how the clause concerning the extirpation of Prelacy, can consist with endeavouring to bring His Majesty with Honour, Freedom and Safety to



one of his Houses in or about LONDON, without any security had from him, for the abolition of Prelacy; it being his known principle (and publicly declared by himself shortly after he went to the Isle of Wight) that he holds himself obliged in conscience, and by his Coronation Oath to maintain Archbishops, Bishops, &c. Can it be said that they are endeavouring to extirpate Prelacy, who after such a Declaration would put in His Majesties hand an opportunity to restore it?

As for the third Article we cannot conceive how the preserving of the Privileges of Parliament, and asserting the Kings negative voice can consist; And we are sorrowfull that under the colour, of the Privileges of Parliament, the liberties of the Subjects are overthrown, and the persons and Estates of such as have been best affected to the Cause and Covenant are exposed to most grievous injuries, crying oppressions: And whereas the duty in preserving and defending his Majesties Person and Authority, is by the third Article of the Covenant qualified with, and subordinate unto the preservation and defence of the true Religion and Liberties of the Kingdoms, There is no such qualification, nor subordination observed in the present Engagement, but on the contrary, it is so carried on, as to make duties to God and Religion conditionall, qualified, limited; and duties to the King absolute and unlimited.

The fourth Article of the Covenant is so foully broken, that they who were by that Article declared Enemies, Incendiaries, Malignants, and therefore to be brought to condigne tryall and punishment, are now looked upon as friends and associates, and are the men who get most favour and protection, and sundry of them employed in places of trust, in the Army and Committees.

For the fifth Article, instead of endeavouring to preserve Peace and Union, a breach is endeavoured between the Kingdoms, not only by taking in and garrisoning their frontire Towns, but also entering the Kingdom of England with an Army, and joyning with the common enemies of both Kingdoms, notwithstanding of an offer of a Treaty upon the Propositions of both Kingdoms made by the Parliament of England to the Parliament of this Kingdom. And whether the way of this Engagement can consist with the large Treaty between the Kingdoms, we shall wish the Honourable Committee of Estates may yet take it into their serious second thoughts.

The sixth is also manifestly broken, for we are thereby obliged to assist and defend all those that entered into this League and Covenant, in maintaining and pursuing thereof: Whereas the Army now entered into England, is to assist and defend many who have not entered into that League and Covenant: And for those who took the Covenant in that Nation, and continue faithfull in it, what they may expect from this Army, may be collected not onely from their carriage towards their Brethren at home; but also from that elause toward the close of the late Declaration of the Committee of Estates, *And that we will do prejudice or use violence to none (as far as we are able) but to such as oppose us, or such ends above mentioned.* It cannot be unknown that many of the English Nation who are firm and faithfull to the Covenant, and Presbyteriall Government do, and will according to their places and callings oppose some of those ends above mentioned in that Declaration; as namely, the restoring both of King and Queen without any condition or security first had from them; And so by that rule in the Declaration they must expect to be used as enemies, not as friends. That sixth Article is also

broken by a departing from the first principles and resolutions, and by dividing, and withdrawing from those that adhere therunto, which hath been before cleared by the Commission of the late Generall Assembly in their Declaration in March, Representation, and other Papers published in Print.

5. We leave it to be seriously pondered by every one who is truly conscientious, whether it be any ways credible or probable, or agreeable to Scripture rules, that the generality of all that have been most faithfull and cordiall to the Covenant and cause of God should be deceived, deluded and darkened in this businesse, and that they who for the most part were enemies to the work of God in the beginning, and have never brought forth fruits meet for Repentance, should now finde out the will of God more then his most faithfull Servants in the Land; and who, that fears God, will believe that Malignants are for the ends of the Covenant, and that they who are most instrumentall in this Reformation, are against the ends of the Covenant.

All which considered, as we could not, without involving our selves in the guiltinesse of so unlawfull an Engagement, yeeld to the desire of the Army for Ministers to be sent by us to attend them; So we do earnestly exhort, and in the name and authority of Jesus Christ, charge and require all and every one of the Members of this Reformed Kirk of Scotland;

I. That they search narrowly into the sins which have procured so great judgements and so sad an interruption of the work of God, that they examine themselves, consider their wayes, be much in humiliation and prayer, study a reall and practieall Reformation, That they also mourn and sigh for the abominations of the Land, and stand in the gap to turn away the wrath. Among all these fearfull sins, the violation of the Solemn League and Covenant, would not be forgotten but seriously laid to heart, as that which eminently provoketh the Lord, and procureth his judgements to be powred forth not onely upon persons and families, but also upon States and Kingdoms. Covenant breakers though in common things, are reckoned by the Apostle in that Catalogue of the abominations of the Gentiles: But among the people of God, where his great name is interposed, the breach of Covenant even in meaner matters, such as the setting of servants at liberty provoketh the Lord to say, *Behold I proclaim a liberty for you (saith the Lord) to the sword, to the pestilence, and to the famine, and I will give the men that hath transgressed my Covenant, and (not excepting, but expressly mentioning Princes) he addes, I will give them into the hands of their enemies.* The History of the Gibeonites, who surreptitiously procured the Covenant made to spare them, and whom Saul some ages thereafter in his zeal to the children of Israel and Judah sought to slay, as being cursed Canaanites, evideneeth with what vengeance, the Lord followeth Covenant-breakers, whereof there wants not in prophane History also both forreign and domestick examples: Therefore let all the inhabitants of the Land of whatsoever rank, seriously ponder how terrible judgements the violation of a Covenant so recently, so advisedly, so solemnly made, and in so weighty matters, may draw on, if not timously prevented by speedy repentance.

II. That they so respect and honour Authority, as that they be not the servants of men, nor give obedience to the will and authority of Rulers in any thing which may not consist with the word of God, but stand fast in the liberty wherewith CHRIST hath made them free, and obey God rather then men.



III. That they carefully avoid the dangerous rocks and snares of this time, whereby so many are taken and broken.

Upon the one hand the sowre leaven of Malig-naney where ever it enters, spoileth and corrupteth the whole lump, post-poning Religion, and the Cause of God to humane interest, what ever be pretended to the contrary, and obstructing the work of Reformation, and propagation of Religion out of false respects and creature interest. As this hath formerly abounded in the land, to the pre-judice of the Cause and Work of God, so of late it is revived, spreading with specious pretences of vindicating wrongs done to his Majesty. We desire not to be mistaken, as if respect and love to his Majesty were brandod with the infamous mark of Maliguaney; But hereby we warn all who would not come under this foul stain, not onely in their speech and profession, but really and in their whole carriage not to prefer their own, and the interest of any creature whatsoever, before the interest of CHRIST and Religion. The characters of these have been fully given in former Declarations, specially in the Declaration of the Commissioners of the Generall Assembly in March last, which we hold as here repeated; onely adding this, that they ordinarily traduce Kirk Judicatures, as meddling with civill affairs, which as it is no new calumny, but such as hath been cast upon the servants of God in former times; so the whole course of proceedings doth manifestly confute the same.

Upon the other hand Sectarisme hath no lesse hindered the blessed and glorious work of Reformation in our neighbour Kingdom, against the venome whercof, lest it approach and infect this Kirk, we have need to watch diligently to avoid all the beginnings and dangerous appearances thereof. The many faithfull testimonies from godly Ministers in severall parts of England, against the vile errors, and abominable blasphemies abounding there, as they are to us matter of rejoycing before the LORD; so they ought to be looked on as warnings to all sorts of people, espeeially that regard Religion, to beware of Sathans snares, craftily set to catch their souls. And because such gangreens creep insensibly, all that love the Honour of God, and welfare of Religion, would seriously consider the following points, both by way of marks to discern, and meanes to escape the danger of this infection.

1. Whosoever are misprisers of the blessed work of Reformation established within this Land, and do not shew themselves grieved for the impediments and obstructions it hath met with in our neighbour Kingdom, these are even on the brink of this precipice, ready to tumble down in this gulf whensoever occasion is offered: All therefore that love the LORD JESUS, would stir up their hearts in the light and strength of the LORD highly to prize, and thankfully to acknowledge what the right hand of the most High hath done among us, as also to thirst fervently after the advancing and perfecting of the LORDS work among our neighbours.

2. Dis-respect to the publick Ministry and Ordinances is a symptome of a dangerous inclination to that disease: And therefore as all CHRISTS Ministers ought to stir up themselves, to walk as becometh their high and holy calling, lest they be stumbling blockes to the people of God; so also all the people of God ought most carefully to stir up themselves unto a precious estimation of the Ordinances of God, and highly to esteem the Stewards thereof for their works sake. A duty at all times needfull, but now espeeially, when Sathan by all means endeavours the contrary.

3. Indifferency in points of Religion, and pleading for Toleration to themselves or others how far soever different among themselves, is not to be forgotten among the characters of Sectaries, and therefore ought the more carefully to be avoided and opposed by all who desire to hold fast the profession of their faith without wavering.

4. They who are glorying in, and seeking after new lights, or under the pretext of them are self-conceited in singular opinions, or who affect new and strange expressions, are entring into the snare ready to be carried about with every winde of Doctrine. And therefore albeit we ought always as Disciples of the LORD to set our selves as in his sight to be taught by his Spirit according to his Word, yet in this time so fertil of errors, it becometh all the lovers of truth to hold fast what they have received, that no man take their Crown.

5. Whosoever brings in any opinion or practise in this Kirk contrary to the Confession of Faith, Directory of Worship or Presbyterian Government may be justly esteemed to be opening the door to Schisme and Seets: And therefore all depravers or misconstructors of the proceedings of Kirk-Judicatories, espeeially the Generall Assembly would take heed least by making a breach upon the walls of Jerusalem they make a patent way for Sectaries to enter.

6. They who separate the Spirit from the Word, and pretend the Spirit, when they have no ground or warrant from the Word, are already taken in an evil snare, And therefore tis necessary to try the Spirits whither they are of God, for many false Prophets are gone out into the world, if they speak not according to the word it is because there is no light in them.

Besides the former, these are also marks of a Sectary; If any commend, and recommend to others, or spread and divulge the erroneous books of Sectaries, If any allow, avow, or use Conventicles or private meetings forbidden by the Acts of the Generall Assembly 1641 and 1647 last past, If any be unwilling, and decline to reckon Sectaries among the enemies of the Covenant, from whom danger is to be apprehended, And (though we disallow the abusing and Idolizing of learning to the patrocinie of Errour or prejudice of piety) if any contemn literature as needlesse at best, if not also hurtfull to a Minister.

When we thus expresse our selves for preventing the dangers of Seets and Schismes, it is far from our intention to discourage any from the duties of piety, and mutuall edification, according to the directions of the last Assembly published in Print, and seriously recommended by them, or to give any advantage to Malignants and prophane persons, with whom it is frequent to cast upon all those who adhere to former principles, and cannot approve the present Engagement, the odious nick-names of Sectaries and Independents. For the better discovery of such prophane mockers, we give these markes and characters. 1. They do prophantly and tauntingly abuse the name of the Spirit, under that name deriding the work of Grace and Sanctification. 2. They esteem and speak of exercises of conscience, as fancies or fits of melancholy. 3. They mock at Family-worship and the means of mutuall edification so much recommended by the last Assembly in their directions. 4. They do usually calumniate godly Ministers, and professors who follow holinesse, with the names of Sectaries, or the like odious names, without any just cause: As we account all such to be enemies to the practise and power of godlinesse, so we do exhort all the



lovers of truth to hold on in the way of holinesse through good report and ill report, being stedfast, immovable, alwayes abounding in the work of the Lord, forasmuch as they know their labour is not in vain in the Lord.

IV. That they do not ceneur in, nor any way assist this present Engagement, as they would not partake in other mens sins, and so receive of their plagues, but that by the grace and assistance of Christ they stedfastly resolve to suffer the rod of the wicked, and the utmost which wicked mens malice can afflict them with, rather then to put forth their hand to iniquity.

V. That they suffer not themselves to be abused with fair pretences and professions usuall in the mouths of those that earry on this designe, and often published in their Papers, But remember that the foulest actions have not wanted specious pretences; And if they who killed the Apostles did both pretend and intend to do God good service, what marvell that they who engage against the Covenant pretend to engage for it. Neither is it to be forgotten, That after the first subscription of our Nationall Covenant, these who had the chief hand in managing publick affairs, and had subscribed the Covenant, especially the Duke of Lenox, and Captain Jones then Earle of Arran, in the years 1581, 1582, 1583, 1584, when their designe was to subvert both the Doetrine and Discipline of this Kirk, yet gave great assurances by promises and Oaths to the contrary. At the Assemblies 1598, 1599, 1600, It was declared with many vows and attestation by the King, Statesmen, and these Ministers who were aspiring to Prelacy, That they intended no such thing as a change of the Government of the Kirk, or an introducing of Episcopacy, yet they were really doing what they disclaimed and professed not to do. And suppose that some who have an active hand in earrying on the present publick affairs, have no design either to destroy Religion, or utterly to sleight it: yet the way they are on, and work they are about as it is contrived, doth of its self, and in its own nature tend to the endangering, if not to the utter subversion of Religion; for it cannot be denied, but the very undertaking of this War, sets the once suppressed Malignants on work again, and succeesse therein puts them in a capacie to set up according to their principles abolished and abjured eorruptions; which will be the more hardly hindered, considering his Majesties propension, and professed resolution that way, Especially seeing His Majesties conceSSIONS (though it hath been often desired) have never been plainly declared unsatisfactory by the Parliament. And who in reason can think that any more then His Majesties conceSSIONS sent from the Isle of Wight will be required of him, by them who thereupon have proceeded to this Engagement. The Kings negative voice (asserted in the Papers of the Commissioners of this Kingdom unto England, which are owned in the late Declaration to the Kingdom of England, as the sense of this Kingdom) considered in relation to Religion makes the danger yet the greater and more palpable, yea, may reach further to shake and unsettle Religion established in this Land; If to the premises this be added which is not only often declared, but also demanded, That his Majestie be brought to one of his houses in Honour, Freedom and Safety, which may infer the admitting of his Majesty to the free exercise of his Royall power, before security had from him for Religion, or Application made to him for the same, who sees not now what hazard Religion runs, certainly greater then a good intention can salve.

VI. That they do not mistake, or misunderstand the nature of the true Reformed Religion, and of the Government of JESUS CHRIST, as if thereby either the Prerogative of Kings, Priviledges of Parliaments or Liberties of Burghs, and other Corporations were any wayes hurt or weakened: whereas indeed Religion is the main pillar and upholder of civill authority, or Magistraeie, and it is the resisting, and not the receiving of the Government of CHRIST, which hath overturned civill powers. If the Throne be established by righteousness (as we are plainly taught by the Word of God) then it is overthrowne by unrighteousnesse and iniquity.

VII. That they beware of all things which may ensnare their consciences, as evil counsell, evil company, false informations, rash promises, and especially that they beware of taking any Oathes, subscribing any Bonds, which may relate to the Covenant and Cause of God, unless such Oaths or Bonds be approved by the Generall Assembly or their Commisssioners for the publicke affairs of the Kirk.

VIII. That they do not east away their confidence, nor sink into despair, because of the present dangers and difficulties, but live by faith, waite for better times, and continue stedfast as seeing him who is invisible, firmly beleiving that such a course as is not of God but against him, will come to naught.

IX. To remember, that as the violation of the Covenant by some in England doth not set us free from the observation thereof, and as no laws nor authority on earth can obsove us from so solemn an obligation to the most High God (which not only hath been professed by this Kirk but in a Petition of the City of London, and in publique Testimonies of many of the Ministry of England) So we are not acquitted and assoiled from the obligation of our solemn Covenant, because of the troubles and confusions of the times; But that in the worst of times all those duties, whereunto by Covenant we oblige our selves, do still lie upon us, for we have sworn (and must perform it) concerning that Cause and Covenant wherein we solemnly Engaged, *That we shall all the dayes of our lives zealously and constantly continue therein against all opposition, and promote the same according to our power against all lets and Impediments whatsoever.* And if against all lets and impediments whatsoever, then the altering of the way of opposition, or of the kinde of impediments doth not alter the nature or tye of the Covenant, but we are obliged to all the duties therein contained.

We doe also exhort and charge in CHRISTs Name the Prince of Pastors, all the Ministers within this Kirk, that in no wayes they be accessary to this sinfull Engagement, but in all their conferences and reasoning, especially, in their publick Doetrine, they declare themselves freely, and faithfully, as they would eschew the wrath of GOD, due for a violated Covenant, and as they would escape the censures of the Kirk, and let all Presbyteries be watchful within their bounds, and earefully, wisely, and zealously to inflict Ecclesiastick censures.

Finally, we exhort all civill Judicatories, and every one intrusted with power to manage the present affairs, That they would seriously remember the strict account they are to give before the Judge of the quiek and the dead, Considering deeply how fearfull a thing it is to oppresse the consciences of their brethren, either by pressing them to act where they finde no satisfactory warrant, or by putting heavy pressures upon them for not acting according to their injunctions, and especially that they offer not to insnare by new Oaths, or Bonds those that



make conscience of the great Oath of their Solemn Covenant, and hitherto have proven faithfull and constant in promoting jointly all the ends thereof.

If this our faithfull warning finde favourable acceptance, so that the grievous things already enacted, be no more prosecuted and pressed, we shall blesse God who reigns in the Kingdoms and Councils of men: But if it fall out otherwise (as God forbid) we have liberate our souls of the guiltinesse of this sinfull way of Engagement, and of all the miseries that shall ensue thereby upon this Kirk and Kingdom. And shall lament before the Lord that our labours have not as yet had the desired successe. In the mean time, we dare not east away our confidence, but trusting in the name of the Lord, and staying upon our God, shall by his grace and assistance continue stedfast in our Solemn Covenants, and faithfull in all the duties of our Calling.

August 1, 1648. Ante Meridiem. Sess. XXII.

*The Generall Assemblies Answer to the Paper sent from the Honourable Committee of Estates of the Date July 28, 1648.*

THE General Assembly having considered the Paper of the 28 of July, delivered to them from the Honourable Committee of Estates, Do finde that the first part thereof concerning the great Offers made by the Parliament and Committee of Estates for the security of Religion, is no other but what was fully answered in our last Paper of the 25 of July, delivered to their Lordships, wherein it was plainly demonstrate by Theologicall reasons (though their Lordships are pleased to call them Politick) that the present Engagement is inconsistent with the safety and security of Religion. Next whereas it is affirmed in their Lordships Paper, that these grounds and reasons are the same which were fully answered before, we wish it had been instanced when and where they were answered, for we know no such thing.

Another reflection upon that former Paper of ours is thus expressed, "That the Generall Assembly hath proceeded to such a Declaration before they had in an Ecclesiastick way from clear testimonies out of the word of God or convincing of our consciences, demonstrate the unlawfulness of the undertaking:" Where we can see no reason why it should seem so very strange to the Honourable Committee, that the Generall Assembly hath so proceeded to a Declaration of their judgement concerning this businesse. For as it hath been no unusuall thing, but very ordinary that approved Synods, both Provinciaall, National, and Oecumenicall have declared their judgement, without publishing the particuler grounds and reasons thereof from Scripture (a work more proper for full Tractates then for Synodicall Decrees or Cannons.) So if their Lordships had been pleased to attend (for many attended not) the late Parliament-Sermons mainly intended for their Lordships information, and had with mindes unprejudiced, hearkened thereunto, and searched into all the Papers lately published in Print by the Commission of the last Assembly, they might have been by the blessing of God convinced from the Word of God of the unlawfulness of the present Engagement.

There are three things which may justly seem to us more strange: One is, That the Declaration of Parliament having given assurance in this manner, "We are resolved not to ingage in any War before the necessity and lawfulness thereof be cleared, so as all who are wel-affected may be satisfied therewith;" yet now they have ingaged in War without

any such clearing of the necessity and lawfulness thereof, or satisfaction given to the wel-affected.

Another is, that although there are so great professions and offers in the generall to satisfie what can be desired for the security of Religion, yet none of those particulars desired by the late Commission of the Kirk for the security of Religion have been granted. We shall here onely give instance in one of those desires, which was, that his Majesties concessions and offers concerning Religion, sent home from the Isle of Wight, having been found by the said Commission unsatisfactory and destructive to the Covenant, might be by the Parl. declared unsatisfactory to their Lordships.

In this great point there hath been no satisfaction given, ouely it was lightly touched in one clause of the Parliaments Declaration, and so ambiguously expressed, as might suffer many interpretations, and although this ambiguity was clearly laid open by the Commissioners of the last Generall Assembly in their Representation; yet to this day there hath been nothing published neither by the Parliament nor Committee of Estates to give any clearer satisfaction, by disclaiming those offers and concessions as unsatisfactory to the Parliament: So that this (if there were no more) gives us great cause to apprehend that there is a greater mystery latent in that businesse then yet appeareth.

A third thing which seemeth strange to us is, That their Lordships desire of arguments from Scripture to prove the unlawfulness of this Engagement was not propounded to the Commissioners of the last Assembly, before the emitting of the Declaration of Parliament, and before the Levies (when it had been most orderly and seasonable) but is now propounded after publick Resolutions and Declarations, yea not till those resolutions are put in actual execution.

However seeing their Lordships do now desire proofs from Scripture for the unlawfulness of the Engagement.

We answer, That as joyning and concurring in this Engagement is unlawfull to all the wel-affected in this Kingdom, their consciences being altogether unsatisfied in the lawfulness thereof; and as it is unlawfull in the manner of putting it in execution, being accompanied with so many injuries, oppressions, and crying abominations, and with so much persecution of piety; so it is unlawfull in the own nature of it, and as it is stated upon the grounds of the Declarations of Parliament, and Committee of Estates. And this unlawfulness of the Engagement in it self, we have demonstrate in the Declaration herewith communicate to their Lordships, unto which we remit them for satisfaction in that point, and do not doubt but their Lordships may be convinced thereby of the evil of their way, and that it is so far from being a pious and necessary Engagement (as their Lordships are pleased to call it) that it is a most unlawfull and sinfull Engagement to be repented of, and forsaken by all that have any hand in it, as they desire to make their peace with God. And we heartily wish that their Lordships subsequent proceedings may be reall testimonies, that their calling for Scripture proofs was from a reall desire to be informed and edified.

As to their Lordships other desire of our demonstrating from the Word of God, that the Kirk hath interest in the undertakings and Engagements in War, and what that interest is, We had thought this point to be without controversie in this Kingdom, not onely in respect of Kirk and State, their joyning and co-operating (each in their proper sphere, in the former Expeditions of this Kingdom into



England, but also because the very Conferenees which have been between Committees of Kirk and State concerning this undertaking and Engagement, doth plainly suppose an interest of the Kirk in such affairs.

If their Lordships mean any politiek interest in such undertakings, we claime no such thing, if the meaning be of a Spirituall interest and so far as concerneth the point of Conscience, there can be no doubt thereof made by such as do with David make the testimonies of the LORD their Counsellors, Psalm 119, 24. And consult with GOD as he used to do in undertaking War: It is also to be remembered that Joshua and all the Congregation of Israel were commanded to go out and in at the word of Eliazer the Priest, who was to aske counsell of the LORD for them, Numb. 27, 28. Hath not the Word of GOD prescribed to the Christian Magistrate the Rules of a lawfull War, And doth it not belong to particuler Ministers, much more to the Assemblies of the Kirk, to declare the minde of GOD from Scripture, for all sorts of duties, and against all sorts of sins. And if the present War be a ease of conscience, and alledged to be the most fit and necessary means for preservation of Religion, who seeth not that the Kirk hath an undoubted interest in resolving and determining such a ease of Conscience from the word of GOD. This we shall onely adde, that whereas in the Parliaments Letter to the Presbyteries three instances were adduced by way of reflection upon the proceedings of the late Commission, as meddling with Civill matters in which they had no Interest, The Commission did in their Printed Vindication so clear from Scripturall grounds their Interest in such things, as their Lordships might have been easily satisfied in that point. We shall here onely mention one passage containing a good and safe rule for such Cases, The Duties of the second Table, as well as of the first, as namely, The Duties between King and Subject, Parents and Children, Husbands and Wives, Masters and Servants, and the like being contained in, and to be taught and cleared from the Word of GOD, are in that respect, and so far as concerneth the point of Conscience, a subject of Ministeriall Doctrine, and in difficult cases a subject of cognizance and Judgement, to the Assemblies of the Kirk.

Eodem die, Post Meridiem. Sess. XXIII.

*A Declaration and Exhortation of the Generall Assembly of the Church of Scotland, to their Brethren of England.*

AS the necessity of preserving a right understanding and mutuall confidence betwixt the Churches of Christ in both Kingdoms constrains us, so the good acceptance and the suitable affections that the Declaration of the last Generall Assembly met with in England from the Lovers of the Covenant and present Reformation, together with the many Testimonies that have of late been given unto the Truth in that Land, invites and encourages us to make known unto our Brethren there, our sense of the present condition of publick affairs, so far as concerns Religion and the point of Conscience.

The dispensation of GOD in ruling of the Nations, and in the revolutions of his Providence towards them, is full of wonder in all the earth; And we, who live in this Island, have cause to look upon it with speeiall observation, in regard of that which concerns our selves. For many generations these

two Kingdoms stood at odds and were the instruments of many sufferings and calamities one to another, untill at last the LORD having compassion upon both, did unite them under one King; which great and long desired Blessing hath received such increase from our being united together in one League and Covenant as doth adde much to the good and happinesse of both Nations: Therefore is it to be looked upon by all the Lovers of Truth and Peace in these Lands as a just ground of much thanksgiving and many praises unto GOD, even in the day of our greatest calamity and affliction what ever befall, as we know no cause why we should forget so great a merey or repent of so good a work.

But as the common Enemies of these Kingdoms studied by all means to keep them from entring into that Covenant, so hath all their power and poliey, now, for five years past, been employed to bring it to nought: As soon as it had being the Popish, Prelaticall and Malignant Party did bend all their forces against it; and when by the mighty hand of GOD they were scattered and brought to confusion, in their stead stood up in England a generation who have perverted the Truth, and by turning aside into Errour have obstructed the work of Reformation; and by forsaking of the Covenant, and forgetting of the Oath of GOD, have brought a great reproach upon his Name, and made the Enemy to blaspheme; whose unthankfulness and unstedfastnesse, with the many provocations of these Lands, hath provoked the LORD again to raise out of the dust the horn of Malignants, and to arm them with such power as is terrible to his People, and threatens his Work with ruine. And albeit, we acknowledge our selves bound and are still resolved to preserve and defend his Majesties Person and Authority in the preservation and defence of the true Religion and Liberties of the Kingdoms: Yet it is unto us matter of very great sorrow and grief that so many in our Land should so far joyne in Malignant Designes, and that there should be found amongst us who have undertaken and are now putting in execution an unlawfull War for promoting their ends and opposing and making void (so far as in them lies) the Ends of the Covenant: Nevertheless in this we cannot but rejoyce that they went not without a Witnesse and a Warning dissuading them to go.

And we desire our Brethren of England to know, that as a very considerable number of the Members of the Parliament did dissent from and protest against the proceedings of the major part in reference to this Engagement, so all the particuler Synods and Presbyteries in this Kingdom, excepting some few, who by reason of their remotenesse and shortnesse of time had not the opportunity, have most harmoniously joyned with and seconded the Desires of the Commissioners of the Generall Assembly for preventing so unlawfull a War: And now the Commissioners out of all the Provinces convened in this Nationall Assembly, as after an exact examination they have unanimously approved the proceedings of the Commissioners of the former Assembly against that Engagement; so have they emitted a Declaration to all the People of GOD in this Land, shewing it to be contrary to GODS Word and to the Solemn League and Covenant. Neither have Ministers onely by their preaching, and Kirk Judicatories by their Petitions and Declarations given testimony against it; but many others in this Land also by supplicating the High and Honourable Court of Parliament for satisfaction to their Consciences thereanent: and when it could not be obtained, many have chosen rather to suffer



the spoiling of their goods with joy, then to sin against GOD by complying with an evil course. And many of the Officers of our former Army, who are of speciall note for their good carriage and deserving in the Cause of GOD, have rather choosed to quit their charges then to joyne in it: Nay, the wel-affected, both Ministers and People, as they do bear testimony against it before men, so groan under it before GOD. So that this character may justly be put upon it by all who shall speak of it now or in after Ages, That as it is a foul breach of the Covenant under a pretence and profession of being for the ends of the Covenant, so being carried on against the Consciences of the people, and contrary to the most harmonious and universall Testimonies of many Presbyteries and Synods that have been given against it, it is a sinning with many Witnesses. A paralell will hardly be found in this or in any other Land wherein a publick sinfull course hath been carried on with so high a hand against the Consciences of the People of God, and against so many Warnings of the Servants of GOD, and generall opposition from the Judicatories of the Kirk; which yet is the less to be wondred at, because the greatest part of those who have been most active in contriving and carrying on of the same, were either once open Enemies, or always secret underminers, or indifferent and neutrall in the Cause of God.

But whatsoever be the falling away of such, we shall desire and do expect that our Brethren in England, who continue faithfull, may rest confident of the generality of all such of this Kingdom as were at first active in promoting the Covenant and Work of Reformation, that they are also still faithfull in adhering thereunto, and walking after their former principles do resolve to abide stedfast and to hold fast the bands of Brotherhood and union between these Kingdoms: Neither are we lesse confident of the like Resolutions and Affections of our Brethren in England: The many Testimonies which the Truth and Cause of CHRIST, the Covenant and Presbyteriall Government have lately received from that cloud of Witnesses of the Ministry in severall Provinces and Counties of that Kingdom, after the example of the worthy Ministry of the City of London against the Errours of Independency, Anabaptism, Antinomianism, Arminianism, Socinianism, Familism, Libertinism, Scepticism, Erastianism, and other new and dangerous Doctrines spread and received amongst many in that Nation; As they are unto us matter of great praise and hearty thanksgiving unto GOD, so also an evidence of the stedfastness of many in England, and a token for good, and a wide door of hope that the Lord will perfect his work and bring forth the headstone of his House in that Land. It shall be the wisdom of each Nation to keep the golden path of truth and righteousness betwixt the crooked and corrupt wayes of Malignants upon the one hand and Sectaries upon the other, and for each of the Nations so to look upon another, as to distinguish betwixt the prevalent part and the better part, and betwixt friends and foes.

We conceive it to be high time for both Nations to search and try their ways and turn again to the Lord, that he who hath wounded us may heal us, and he who hath broken us may binde us up. The sin of both hath been the departing from the rule of the Covenant, and that we did not trust God for the perfecting of his Work, walking by the rule of piety, but took our selves to humane policies, and endeavoured to carry it on by carnall and worldly means. For as Scotland did too much connive at

and comply with Malignants, which is the immediate and neerest cause of all our present troubles and distractions; so England neglecting to hold fast the truth and to submit themselves to the Government of Jesus Christ, so clearly held forth by the pious and learned Assembly of Divines, did connive at many abominable Blasphemies and Errours, and complying with Sectaries, gave way to their wicked Toleration: Neither is it the least part of the sin of both Lands, that they have more minded the outward then the inward Reformation, the erecting of the outward Fabrick of GODS House, then the providing furniture for it by advancing the power of the Gospel, that his glory may be seen in his Temple. Because of these things is there great wrath from the Lord against these Kingdoms, and his controversie shall be continued untill we really turn away from our crooked paths. Therefore as we wish that none of this Land may flatter themselves in their evil wayes, but repent and amend; so we desire our Brethren of England to consider what hath been the bitter fruits of their slow progresse in and neglect of the Work of Reformation, and of their connivance at and complying with Sectaries, and to do no more so, but that whatsoever is commanded by the God of heaven, it be diligently done for the House of the God of heaven.

We trust that the Parliament of England will be wise to remember and consider the great mercies of God towards them in delivering them from all their Enemies, and the many opportunities put into their hands for advancing and establishing the work of Reformation; for neglect whereof God hath now again threatened to lift up their Enemies above them, that he may once more prove what they will do for his Name, and for settling the order of his House. God forbid that they should run from one extreame to another, from compliance with Sectaries to compliance with Malignants, and hearken to terms of an unsafe and sinfull Peace. We cannot but abhor the purposes of any who minde the subversion of Monarchical Government, which we heartily wish to be preserved and continued in his Majesties Person, and Posterity; and we do no lesse dislike the Practises of those who deal so hardly with his Majesties Person, earnestly desiring that he were in the condition he was into by the advice of both Kingdoms before he was taken away by a party of Sir Thomas Fairfax Army; nor are we against the restoring of the King to the exercise of his power in a right order and way. Yet considering what great expence of blood and pains these Kingdoms have been at for maintaining their just Liberties and bringing the Work of Reformation this length; And considering his Majesties great avernesse from settling Reformation of Religion, and his adhering still to Episcopacy; We trust that security will be demanded and had from his Majesty for Religion, before he be brought to one of his Houses in or neer about London, with Honour, Freedom and safety. And considering of what importance the Solemn League and Covenant is unto all the interests of both Kingdoms concerning their Religion, Liberties and Peace, to make an agreement without establishing of it, were not only to rob these Nations of the blessings they have already attained by it, but to open a door to let in all the corruptions that have been formerly in the Kirks of God in these Lands, and all the abuses and usurpations that have been in the Civill Government, and again to divide these two Kingdoms that are now so happily united and conjoynd: And therefore as we wish that all mis-understandings



betwixt the Nations, and betwixt the King and his people may be removed, that there may be a happy and lasting Peace, so that there may be no agreement without establishing and enjoyning the Covenant in all these three Kingdoms; and that for this end God would give wisdom to all that are intrusted in the managing of publick affairs that they may seasonably discover and carefully avoid all snares which may be laid either by Sectaries, or Malignants, or both, under colour of a Treaty of Peace. And we are confident, through the Lord, that all the obstructions and oppositions, by which his work has been retarded and interrupted in this Island, shall not onely be taken out of the way, but shall turn to the advantage and furtherance of it at last. The onely wise God can and will bring about his holy purposes by unlikely, yea by contrary means: And God forbid that either our Brethren of England or our selves should give way to despondency of spirit, and cast away the hopes of that so much prayed for and so much wished for Reformation of Religion, and Uniformity in all the parts thereof according to the Covenant: And now it is our hearts desire and prayer to God, that amidst the many trials and tentations of these times, none of the servants of God and witnesses of Jesus Christ may be deserted, or left to themselves to comply either with the Malignant party upon the one hand, or with Sectaries upon the other. Brethren pray for us, and the God of all grace, who hath called us unto his eternal glory, after that ye have suffered a while, make you perfect, stablish, strengthen and settle you.

August, 2, 1648. Ante Meridiem. Sess. XXIV.

*Answer to the Letter of the Reverend Assembly of Divines in England.*

Right Honourable, Right Reverend and  
Wel-beloved in our Lord,

**W**E cease not to give thanks to the Father of our Lord Jesus, by whose strength you keep the Word of his patience now in these times, when many depart from the Faith, giving heed to seducing Spirits; As also, that he who hath founded Zion, hath been pleased, by our Covenant sworn to the most high God, to lay the hopefull foundation of a glorious Work in these three Kingdoms, to unite his People therein, as one stick in the hand of the LORD.

We cannot but acknowledge to the Honour and Glory of the Lord, Wonderfull in counsell and excellent in working, that hee hath strongly united the spirits of all the godly in this Kingdom, and of his Servants in the Ministry, first in the severall Presbyteries and Synods, and now in this Nationall Assembly, in an unanimous and constant adhering to our first Principles and the Solemn League and Covenant, And particularly in giving a testimony against the present unlawfull Engagement in War: Yet it seemeth good to the LORD who hath his Fire in Zion and Furnace in Jerusalem, for the purging of the vessels of his house to suffer many adversaries to arise with violence to obstruct and stop this great and effectually door, which the Lord hath opened unto us. But we know that he openeth, and no man shutteth, and shutteth, and no man openeth: yea, he will cause them who say they are for the Covenant and are not, but are Enemies thereto, and do associate with Malignants or Sectaries, to acknowledge that God hath loved us, and that his truth is in us and with us. And now dearly

beloved, seeing the Lord hath kept you together so many years, when the battell of the Warriour hath been with confused noise, and garments rolled in blood, the Lord also sitting as a refiner to purifie the Sons of Levi, and blessing you with unity and soundnesse in the Faith, we are confident you will not cease to give a publick testimony for Christ, both against Sectaries and all Seducers, who prophetic lie in the name of the LORD, and against Malignants and Incendiaries (the Prelaticall and Popish Faction) who now again bestir themselves to hold up the rotten and tottering throne of Antiehrist, and are (whatever they pretend) the recall enemies of Reformation: As also, that as the Embassadors of Jesus Christ and his Watchmen, you will give seasonable warning to the Honourable Houses of Parliament, that now (after the losse of the opportunity of so many years) they would, in their places, repair the House of the LORD, that lyeth so long desolate, and promote the work of Reformation and Uniformity according to the Covenant.

For if the Honourable Houses of Parliament had timely made use of that power, which God had put in their hands for suppressing of Sectaries, and had taken a speedy course for setting of Presbyteriall Government, (a speciall and effectually means appointed by God to purge his Church from all scandalls in Doctrine and Practise) Then had not the insolencie of that party arisen to such a height, as to give occasion to the Malignants of both Kingdoms to justifie and blesse themselves in their old opposition to the work of Reformation, and to encourage one another, to new and more dangerous attempts; Neither had the Malignant party ever grown so strong in this Kingdom, if the Sectaries had not been connived at in ENGLAND; For their prime pretence (for their present rising in Armes) is, that they may suppress the Sectaries, and vindicate the King from that base condition, unto which he is brought by that party: Yet these do not wisely, nor well, who avoiding or opposing Sectarisme, split themselves upon the rock of Malignancy, and by taking that party by the hand now, do own all the cruelty, bloodshed and other ungodly and unjust Acts, which they have done since the beginning of this Reformation. And as we take thankfully your testimony of our steiring so steady and even a course between the dangerous rocks of Prophanes and Malignancy on the one hand, and of Errour, Schisme, Heresie and Blaspheme on the other hand; So we trust ye will not cease to give testimony against both these evils, and represent the same to the Honourable Houses of Parliament, as you shall have fit occasion; And that you will gravely warne your dissenting Brethren what a door they keep open for Errors and Heresies, by their tenet of Independency; Whereby they leave no means of Authoritative Ecclesiastick Suppression of Errours; If an Independent Congregation will please to own them. We also are confident that you will be remembrancers to that famous City of London, and the whole Kingdom, of their Engagement to the LORD, in the Solemn League and Covenant: Nor will we suffer our selves to believe that the wel-affected in the Houses of Parliament, In the City of London, and throughout that whole Kingdom will agree or harken to the motions of any such Treaty of Peace, as leaves out the best security for Religion, the Cause of GOD, and the Solemn League and Covenant. Thus desiring the continuance of your Prayers to God for us, in this hour of temptation; and promising (through his grace and strength) to continue in prayers for you, We commit you to the infinite Wisdom, Power, Goodnesse,



and Faithfulness of our blessed GOD and Father in Christ, in whom we are,

*Your very loving and affectionate Brethren to serve you,*

The Ministers and Elders convened in the GENERAL ASSEMBLY of the Kirk of Scotland.

2 August, 1648.

DIRECT,

To the Right Honourable, and Right Reverend the Assembly of Divines in England now assembled at Westminster.

Eodem die, Post Meridiem. Sess. XXV.

*The Humble Supplication of the Generall Assembly, To the Right Honourable the Committee of Estates.*

WHEREAS the High and Honourable Court of Parliament and your Lordships were pleased to injoyne the subscription of a Declaration and Band of the date June 10, 1648. And we having found after such examination and tryall, as is competent to the Servants of GOD in an Ecclesiastick way, that the same is a snare to the Consciences of the People of GOD in this Land to involve them in guiltinesse, and to draw them from their former principles and Vows in the Solemn League and Covenant, as doth more fully appear in our Act concerning the same herewith presented unto your Lordships. Therefore from our zeal to the glory of GOD and tender care of the souls committed unto us, and for our exoneration, As we do seriously exhort that your Lordships would be sensible of the guilt that you have already brought upon yourselves and others, by injoyning and urging that subscription, So we do earnestly and in the bowels of Jesus Christ intreat, That your Lordships would take such order and course as that it may be no further pressed upon the people of GOD throughout the Land.

And because the people groan under the violence and oppression of Officers and Souldiers in their Quarterings or otherwise throughout all the corners of the Countrey (which as it hath ascended into the ears of the LORD of Hosts, so we doubt not but it is come to your knowledge) We conceive it to be incumbent to us to represent the same to your Lordships, beseeching and obtesting you that as you would not desire that the LORD should visit because of these things, you would think upon an effectually remedy for punishing and redressing what is past, and preventing the like in time coming.

And whereas by an Act and inhibition of your Lordships, The Liberty of Printing being one of the Kirks Priviledges confirmed by Parliament is restrained, Therefore we intreat that the inhibition upon the Printers may be taken off.

And now having condescended upon a Declaration to all the Members of this Kirk concerning present dangers and duties, We do in all humility offer the same to your Lordships (together with our Answer to the Paper last sent to us from your Lordships) professing in the sight of GOD (whose Servants we are) that we have walked herein according to the rule of his Word, and have nothing before our eyes but his Glory, and the well of his People; And therefore intreats your Lordships, that you would seriously ponder the same without prejudice, and as you desire to be comforted in the day of your accompts, to make right use of the light that is holden forth therein from Gods Word.

August 3, 1648. Ante Meridiem. Sess. XXVI.

*Act for censuring Ministers for their silence, and not speaking to the corruptions of the time.*

THE Generall Assembly, taking to their serious consideration, the great scandals which have lately increased, partly through some Ministers their reserving and not declaring of themselves against the prevalent sins of the times, partly through the spite, Malignity, and insolency of others against such Ministers as have faithfully and freely reprov'd the Sins of the times without respect of persons, Do therefore for preventing and removing such scandals hereafter, Appoint and Ordain, that every Minister do by the word of Wisdom apply his Doctrine faithfully against the publick Sins and Corruptions of these times, and particularly against the Sins and Scandals in that Congregation wherein he lives, according to the Act of the Generall Assembly 1596, revived by the Assembly at Glasgow 1638. Appointing that such as shall be found not applying their Doctrine to corruptions, which is the Pastorall gift, cold, and wanting of Spirituall zeal, flatterers and dissembling of publick sins, and especially of great Personages in their Congregations, that all such persons be censured according to the degree of their faults and continuing therein be deprived; And according to the Act of the Generall Assembly 1646, Sess. 10, That beside all other scandals, silence, or ambiguous speaking in the publick Cause, much more detracting and disaffected speeches be seasonably censured: As therefore the Errours and exorbitancies of Sectaries in England are not to be passed in silence, but plain warning to be given of the danger of so near a contagion, that people may beware of it, and such as neglect this duty to be Censured by their Presbyteries, So it is thought fit and Appointed by the Assembly, conform to the foresaid Acts, That the main current of applications in Sermons may run along against the evils that prevail at home, and namely against the contempt of the Word, against all profaness, against the present defection from the League and Covenant, against the unlawfull Engagement in War, against the unlawfull Band and Declaration of the date of the 10 of June ordained to be subscribed by all the Subjects, and other unjust Decrees established by Law, against the Plots and Practices of Malignants, and against the Principles and Tenents of Erastianism, which spread among divers in this Kingdom; For the better confutation whereof, it is hereby Recommended to the Ministry to study that point of controversie well, that they may be the more able to stop the mouths of gain-sayers: Tis also hereby Recommended to the severall Presbyteries and Provinceall Synods, that they make speciall enquiry and triall concerning all the Ministry in their bounds, And if any be found too sparing generall, or ambiguous in the foresaid applications and reproofs that they be sharply rebuked, dealt with, and warned to amend under the pain of suspension from their Ministry; And if after such warning given they amend not, that such be suspended by Presbyteries, and in case of their negligence by the Synods till the next Generall Assembly; But if there be any, who do neglect and omit such applications and reproofs, and continue in such negligence after admonition and dealing with them, they are to be cited, and after due triall of the offence to be deposed, for being pleasers of men rather then servants of Christ, for giving themselves to a detestable indifferency or neutrality in the Cause of God, and for defrauding the souls of peo-



ple, yea for being highly guilty of the blood of souls in not giving them warning: Much more are such Ministers to be censured with Deposition from their Ministry who preach for the lawfulness or pray for the success of the present unlawfull Engagement, or that go along with the Army themselves, or who subscribe any Bands or take any Oaths not approved by the General Assembly or their Commissioners, or by their counsel, countenance or approbation make themselves accessory to the taking of such Bands and Oaths by others: It is to be understood that if any Minister preach in defence of or pray for the successe to the Sectaries in England, he is likewise to be censured by deposition. And this we adde as a generall rule to be observed on both hands, but not as if we had found any of the Ministry of this Kingdom to be favourers of the Sectaries in England.

And in case any Minister for his freedom in preaching, and faithfull discharge of his conscience shall be in the face of the Congregation or elsewhere upbraided, railed at, mocked, or threatened, or if any injury or violence be done to his person, or any stop and disturbance made to him in the exercise of his Ministeriall calling, The Presbyterie of the bounds shall forthwith enter in processe with the offender, and whoever he be Charge him to satisfie the Discipline of the Kirk by publick Repentance, which if any do not, or refuse to do, That then the Presbyterie proceed to Excommunication against him; In all which Presbyteries and Synods are to give an account of their diligence: And the Assembly Appoints this Act to be intimate in the several Congregations of this Kirk.

August 4, 1648. Post Meridiem. Sess. XXIX.

*Overtures concerning the education of the Hie-land Boys in the Province of Argyle.*

THIS day the report following being made from the Committee concerning the education of Hie-land Boys in Argyle, viz.

“The Committee considering the Bill remitted by the Generall Assembly to us concerning the Hie-land Boys (who are given up to be fourty in number of good spirits and approved by the Province of Argyle) Do humbly think that four of them who are ready for the Colledge should be recommended to the Universities to get Burses on in every Colledge. As for the rest of the 40. who are to be brought up at Grammar Schools, The Committee thinks that if the said Boys should be scattered through the Kingdom they should lose the Irish language, and so the Assembly shall fail of their purpose to make them usefull for the Hie-lands: And therefore do humbly conceive that it were fitting that every Congregation pay yearly fourty shillings Scots for maintaining the said Boys at Schools in Glasgow, or in other places where many of them may be together accepted of, and that the money be brought in yearly to the Generall Assembly by the Commissioners of Presbyteries, and that Presbyteries augment or diminish the said proportion according to the ability of every Congregation.”

The Assembly having considered the foresaid Report, Approves the first Overture, And recommends Colin Campbell to the University of Aberdeen, Duncan Campbell to Edinburgh, Patrick Campbell to Glasgow, Zachary Maccullum to St Leonards Colledge in St Andrews: As also Approve the second Overture, seriously Recommending to Presbyteries, That the said fourty shillings be collected carefully and sent to Glasgow, And the

Ministers of Glasgow shall appoint some sufficient man in that Town to receive the said Collection from Presbyteries, And to take charge of the boarding and entertainment of the saids Boys in Glasgow at Schooles, and they shall send in the names of the Boys with a Certificate of their proficiency yearly to the Generall Assembly: And this Collection shall only endure for the space of twelve years.

August 5, 1648. Ante Meridiem. Sess. XXX.

*Explanation of the fifth Article of the Overtures concerning Appeals past in the Assembly, 1643.*

THE Generall Assembly for clearing the sense of the fifth Article of the Overtures concerning Appeals in the Assembly, 1643, Sess. 2, Do Declare that if Appellations, *Post latam sententiam* be not presented to the Judicatory when the sentence is pronounced: The party shall then immediately after the sentence protest for liberty of Appeal, as he shall see cause; And accordingly within ten dayes shall give in his Appeal in writ under his hand, either to the Judicatory or the Moderator thereof, otherwise the Appeal is not to be respected.

Eodem die, 1648. Ante Meridiem. Sess. XXX.

*Act discharging deposed or suspended Ministers from any exercise of the Ministry, or meddling with the stipend.*

THE Generall Assembly considering that according to the ancient practise and order of this Kirk, the Censure of Suspension and Deposition of Ministers is both *ab officio* and *à beneficio*, as is also acknowledged by the 20 Act of the Parliament, Anno 1644, And that the continuance of suspended or deposed Ministers in the exercise of the Ministry or in the possession of their stipend hath been and ought to be accepted and censured as a great contempt of the Authority and Censures of the Kirk, Considering also that the continuance of deposed Ministers in the possession of the stipend, is a great prejudice and obstruction to the planting of the vauking Kirk, and to the service of God there. Therefore do declare and Ordain, That whosoever after the sentence of Deposition pronounced against them, Do either exercise any part of the Ministeriall calling in the places they formerly served in, or elsewhere, or do possesse, meddle, or intromet with the stipend or other benefits whatsoever belonging to these Kirks they served at, They shall be proceeded against with Excommunication; And if any suspended Minister during his suspension, either exercise any part of the Ministeriall Calling, or intromet with the Stipend, that he be Deposed, And after deposition, continuing in either of these faults, That he be processed with Excommunication; But prejudice always to them of their stipend resting for by-gone service, and of any recompence due for building or repairing of the Manse according to the ordinary practise. And the Assembly recommends to Presbyteries seriously to be carefull of the putting of this Act in execution.

August 7, 1648. Ante Meridiem. Sess. XXXI.

*The Assemblies Declaration of the fulshood and forgerie of a lying scandalous Pamphlet put forth under the name of their Reverend Brother, Master Alexander Henderson, after his death.*

THE Generall Assembly of this Kirk having seen a Printed Paper, Intituled, “The Declaration of



Mr Alexander Henderson principall Minister of the Word of GOD at Edinburgh and chief Commissioner from the Kirk of Scotland to the Parliament and Synod of England made upon his death-bed." And taking into their serious consideration how many grosse lies and impudent calumnies are herein contained; Out of the tender respect which they do bear to his name (which ought to be very precious to them and all posterity, for his faithfull service in the great Work of Reformation in these Kingdoms, wherein the Lord was pleased to make him eminently instrumentall) and lest through the malice of some, and ignorance of others the said Pamphlet should gain belief among the weaker sort, They have thought fit to make known and declare concerning the same as followeth,

That after due search and tryall they do finde that their worthy brother Master Alexander Henderson did from the time of his coming from London to Newcastle till the last moment of his departure out of this life upon all occasions manifest the constancy of his judgement touching the Work of Reformation in these Kingdoms; Namely, in all his discourses and conferences with his Majesty, and with his Brethren who were employed with him in the same Trust at Newcastle, In his Letters to the Commissioners at London, and particularly in his last discourse to his Majestie at his departing from Newcastle, being very weak and greatly decayed in his Naturall strength. When he was come from Newcastle by Sea to this Kingdom, he was in such a weak worn and failed condition, as it was evident to all who saw him, that he was not able to frame any such Declaration, for he was so spent that he died within eight dayes after his arrivall; And all that he was able to speak in that time did clearly shew his judgement of, and affection to the Work of Reformation and Cause of God, to be every way the same then, that it was in the beginning and progresse thereof, as divers Reverend Brethren who visited him have declared to this Assembly, and particularly two Brethren who constantly attended him from the time he came home till his breath expired. A further testimony may be brought from a short Confession of Faith under his hand found amongst his Papers, which is expressed as his last Words, wherein among other merces he declareth himself *most of all obliged to the grace and goodnesse of God for calling him to believe the Promises of the Gospel, and for exalting him to be a Preacher of them to others, and to be a willing though weak instrument in this great and wonderfull work of Reformation, which he earnestly beseecheth the Lord to bring to a happy conclusion.* Other reasons may be added from the levity of the stile and manifest absurdities contained in that Paper. Upon consideration of all which this Assembly doth condemn the said Pamphlet as forged, scandalous, and false, And further Declare the author and contriver of the same to be void of charity and a good conscience, and a grosse lyar and calumniator led by the Spirit of the accuser of the Brethren.

*Act for taking the Covenant at the first receiving of the Sacrament of the Lords Supper, and for the receiving of it also by all Students at their first entry to Colledges.*

THE Generall Assembly according to former recommendations, Doth Ordain that all young Students take the Covenant at their first entry to

Colledges; And that hereafter all Persons whatsoever take the Covenant at their first receiving the Sacrament of the Lords Supper: Requiring hereby Provinciaall Assemblies, Presbyteries and Universities to be carefull that this Act be observed, and accompt thereof taken in the visitation of Universities and particular Kirks, and in the tryall of Presbyteries.

Eodem die, Post Meridiem. Sess. XXXII.

*Act concerning Presbyteries maintaining of Bursars.*

THE Generall Assembly Understanding that the frequent Recommendation of preceeding Assemblies for maintaining Bursars, is by many Presbyteries neglected, Do therefore Ordain Synods to crave accompt thereof from Presbyteries at every Provinciaall meeting, Which with the Presbyteries answer, shall be put upon record, That so the part both of Presbyteries and Synods and their negligence or diligence in so pious a work may be known by the examination of the Provinciaall books to each Generall Assembly.

August 9, 1648. Ante Meridiem. Sess. XXXV.

*Act for dis-joyning the Presbytery of Zetland, from the Provinciaall Synod of Orkney and Cathnes.*

THE General Assembly now after exact tryal, finding that the Presbytery of Zetland cannot meet with the Provincial of Cathnes and Orkney to which it was adjoynd by an Act of the Assembly 1646, Sess. 11, And that the allowance and dispensation granted in the preceeding Assembly for the halfe of their number to keep the meetings of the said Provinciaall cannot be observed in respect of the great distance of that Isle by sea from the land, and the dangerousness of the seas there, and of the passage through them, Therefore after hearing the parties interested and serious deliberation of the matter, The Assembly doth hereby Dis-joyn the Presbytery of Zetland from the Provincial of Cathnes and Orkney, And Declares for these reasons, That the said Presbytery is to be hereafter subordinate immediately to the Generall Assembly, For which cause, their Commissioners are to be sent to each Generall Assembly the more carefully, And it is hereby Recommended to them that they send to the next Assembly a particualar information of the quality and condition of all their Kirks according to the direction of the act of the preceeding Assembly Sess. 27, Entituled an act for pressing and furthering the planting of Kirks.

Aug. 10, 1648. Post Meridiem. Sess. XXXVIII.

*Overtures for the Remedies of the grievous and common Sins of the Land in this present time.*

THE Sins of the Land and the Causes and occasions thereof being considered, The following Remedies of these Sins were propounded.

#### CIVILL REMEDIES.

For the present, untill the Overtures prepared to be presented to the Parliament, It is to be Recommended to every Congregation to make use of the 9 Act of the Parliament 1645, at Perth, for having Magistrates and Justices in every Congregation,



and of the 8 Act of the said Parliament against Swearing, Drinking and mocking of Piety, and all other Acts of Parliament for restraining or punishing of Vice; particularly for the better restraining of the sin of Whoredom that each Magistrate in every Congregation exact and make compt to the Session of fourty pounds for each Fornicatour and Fornicatrix, of an hundreth Merks for each one of their relapse in Fornication, of an hundreth pounds for each Adulterer and Adulteress according to express Acts of Parliament which is to be exacted of those who may pay it, and the discretion of the Magistrate is to modifie it according to the ability or inability of each Delinquent.

#### DOMESTICK REMEDIES.

1. Let care be taken of conscionable receiving of servants, that they have testimonials of their honest behaviour: And let all such as give testimonials take heed that these to whom they give them, be free of scolding, swearing, lying and such like more common sins, as well as fornication, adultery, drunkennesse and other grosse and hainous evils; let the ordinary time of giving Testimonials be in face of Session: And if an extraordinary exigent be: let it be given by the Minister with consent of the elder of the bounds, wherein the person eraving the Testimonial hath resided; If they have fallen or relapsed in scandalous sins, let their Testimonial bear both their fall and Repentance.

2. Let care be had that the Worship of God be practised, and Discipline exercised in Families, according to the Directory for Family Worship in all things as was appointed in the General Assembly 1647, especially in the Ministers constant Catechizing of the Family, and in the performance of the Duties of the Sabbath by all the members thereof.

3. Let persons to be married and who have children to be baptized, who are very rude and ignorant, be stirred up and exhorted, as at all times, so especially at that time, to attain some measure of Christian knowledge in the grounds of Religion, that they may givo to the Minister, before the Elder of the Bounds wherein they live, some accompt of their knowledge, that so they may the better teach their family and train up their children.

4. Let every family that hath any in it that can read, have a Bible and a Psalm-Book, and make use of them; and where none can read, let them be stirred up to traine up their children in reading, and use any other good remedie the Minister and Session can fall on.

#### GENERALL ECCLESIASTICK REMEDIES.

1. Let the Remedies which were given at Perth 1645, and are mentioned in the Generall Assembly 1646, anent the Sins of Ministers be put in execution.

2. Let suspension from the Lords Sacrament be more carefully executed.

3. Let persons relapse in Adultery (or above) quadrilapse in Fornication (or above) or often guilty of other grosser scandals, be Excommunicat somewhat more summarly nor in an ordinary processe (except there be more nor ordinary signes, and an eminent measure of Repentance made known to the Session and Presbyterie) both for the hainousness of the Sins and continuance therein, and also for terrour to others; And these not to be relaxed from the sentence of Excommunication without evidence, and undeniable signes of Repentance.

4. Let unpartially proceeding be used against men of all quality, for their scandalous walking, and in particular for drunkennesse, swearing, and other

scandalous sins. And this to be tryed at the Visitation of Kirks.

#### PARTICULAR ECCLESIASTICK REMEDIES: AND I. AGAINST IGNORANCE.

1. Let Ministers Catechize one day every week (whereon also they may Baptize and Lecture or Preach) and let them Preach every Lords Day both before and after noon, according to former Acts of Generall Assemblies, Let Presbyteries and Synods be very carefull of this; And let every Provinciaill Book, contain an exact accompt thereof.

2. Let Ministers examine all of every quality of whose knowledge they have no certain notice.

3. Let young persons be Catechized by the Minister from the time they are capable of instruction, and let them not be delayed till they be of age to Communicat.

4. Let persons grosly ignorant be debarred from the Communion; for the first and second time, let them be debarred, suppressing their names; for the third time, expressing their names; for the fourth time, bring them to publick Repentance; all this is to be understood of those that profit nothing, and labours not for knowledge: But if they be profiting in any measure, or labouring that they may profit, their case is very considerable, they ought to have more forbearance.

#### II. ECCLESIASTICK REMEDIES AGAINST PROPHANESSE.

1. Let ignorant and scandalous persons be put off, and kept off Kirk Sessions.

2. Let every Elder have a certain bounds assigned to him that he may visit the same every moneth at least, and report to the Session what scandalls and abuses are therein, or what persons have entered without Testimonials.

3. Let all scandalous persons be suspended from the Lords Supper.

4. Let the Minister deal in private with them that are professing publick Repentance before the Elder of the bounds, thus to try the evidence of their Repentance.

5. Let these who have fallen in Fornication make publick profession of Repentance three severall Sabbaths, who is guilty of relapse in Fornication six Sabbaths, who is guilty of trelapse in Fornication, or hath once fallen in Adultery 26 Sabbaths, and these sins to be confessed both in one habite, viz. in Sackloth, Quadrilapse in Fornication and relapse in Adultery, three quarters of a year, Incest or Murder a year, or 52 Sabbaths, in case the Magistrate do not his duty in punishing such crimes capitally; They that fall in Fornication or relapses therein, are first to confesse their Sin before the Session, and thereafter before the Congregation; They that are guilty of greater degrees of that Sin and of the other Sins mentioned in this Article, are to confess their Sin both before the Session and Presbyterie, and there to shew some signes of Repentance before they be brought to the Congregation.

6. Some are to be rebuked at the time of Catechizing, who deserve more nor a private reproof, and yet needs not be brought to publick Repentance.

7. It will be a good remedie against Sabbath-breaking by Carriers and Travellers, That the Ministers where they dwell cause them to bring Testimonials from the place where they rested on these Lords dayes wherein they were from home.

8. Let all persons who flit from one Paroch to another have sufficient Testimonials, This is to be extended to all Gentlemen and Persons of quality



and all their followers, who come to reside with their Families at Edinburgh, or elsewhere, and let the Minister from whom they flit advertise the Minister to whom they flit, if (to his knowledge) they be lying under any scandal.

9. Let Ministers be free with persons of quality for amendment of their faults, and (if need shall be) let them take help thereto of some of the Brethren of the Presbyterie.

10. Let the Presbyteries take speciall notice of Ministers who do converss frequently and familiarly with Malignants, and with scandalous and prophane persons, especially such as belong to other Paroches.

11. Let privie Censures of Presbyteries and Synods be performed with more Accuracie, Diligence and Zeal.

12. For better keeping of the Sabbath, let every Elder take notice of such as are within his bounds, how they keep the Kirk, how the time is spent before, betwixt, and after the time of publick Worship.

13. Let no Minister resort to any Excommunicate person without license from the Presbyterie *nisi in extremis*, and let Ministers take speciall notice of such persons as haunt with Excommunicants, and processe them.

14. Frequent correspondence betwixt Presbyteries is a good remedie.

15. At the visitation of each Congregation, let the Session Book be well visited, and for that effect, let it be delivered to two or three Brethren seven or eight dayes before the visitation, that their report of it may be in readinesse against the day of Visitation.

The Assembly allows of all these Overtures and Remedies of the Sins of the Land; And Ordains all of them to be carefully and conscionably put in practise.

*Act for examining the Paraphrase of the Psalms and other Scripturall Songs.*

THE Generall Assembly Appoints Rouse Paraphrase of the Psalms, with the corrections thereof now given in by the Persons appointed by the last Assembly for that purpose, to be sent to Presbyteries, That they may carefully revise and examine the same, and thereafter send them with their corrections to the Commission of this Assembly to be appointed for publick affairs, Who are to have a care to cause re-examine the Animadversions of Presbyteries, and prepare a report to the next Generall Assembly; Intimating hereby, That if Presbyteries be negligent hereof, the next Generall Assembly is to go on and take the same Paraphrase to their consideration without more delay: And the Assembly Recommends to Master John Adamson and Mr Thomas Craford to revise the Labours of Mr Zachary Boyd upon the other Scripturall Songs, and to prepare a report thereof to the said Commission for publick affairs, That after their examination, the same may be also reported to the next Generall Assembly.

*Overtures concerning Papists, their children, and Excommunicate Persons.*

THE General Assembly considering the manifold inconveniences that follow upon the send-

ing of the children of Noblemen and others of quality to Forraign Countries wherein Popery is professed, especially that thereby such children are in perill to be corrupted with Popery, and so corrupt these Families and Persons to which they belong, whereby that wicked root of damnable Idolatry, Errour and Heresie may again be occasioned to spring up and trouble many, and provoke the most High GOD to wrath, and to cause his Majestie leave this Land to strong delusions to believe lies; Therefore They Do in the name of GOD, Charge and Require all the Presbyteries of this Kingdom to observe and practise the Rules and directions which are made in former Generall Assemblies for preventing of the said fearfull inconveniences, and namely the Overtures against Papists, non-Communicants, and Profaners of the Sabbath approven in the Generall Assembly held at St Andrews in the year of God, 1642, and the Act anent children sent without the Kingdom made in the Generall Assembly at Edinburgh, Anno 1646. And that they use all diligence for putting in execution the Acts of Parliament and secret Councell made against Papists and Excommunicate Persons; And that they register their diligences thereanent in their Presbyterie Books which are summarily to be recorded in the Synod Books from time to time, That the Generall Assembly may see how these laudable Acts are put in execution, which here are presented with some necessary additions in one view.

1. That every Presbyterie give a List of all Excommunicate Papists they know to be within their bounds to the Commissioners of the Generall Assembly, and of all Papists, yea of them also who professe to have renounced Popery, but yet have their children educated abroad, with the names of these children that are abroad, according to the fifth Overture of the Generall Assembly 1642.

2. That every Presbyterie convene at their first meeting all known Papists within their bounds, and such as having professed to renounce Popery have their children abroad, and cause them finde sufficient caution for bringing home within three moneths such of their children as are without the Kingdom, to be educated in Schools and Colledges at the Presbyteries sight if they be Minors; and to be wrought upon by gracious conference, and other means of instruction to be reclaimed from Popery if they be come to perfect age.

3. The Parents, Tutors or Frinds of Children and Minors shall, before they send them without the Kingdom, first acquaint the Presbyterie where they reside, that they may have their Testimoniall directed to the Presbyterie or Classe within the Kingdom or Dominion beyond Seas whither they intend to send their Children; and at the time of these Childrens return, that they report a Testimoniall from the Presbyterie or Synod where they lived without the Kingdom, to the Presbyterie who gave them a Testimoniall at their going away, according to the Act anent Children sent without the Kingdom Anno 1646.

4. That all Presbyteries give the names of such Pædagogs as were abroad with the children of Noblemen within their bounds, and diligently enquire whether these Pædagogs do continue steadfast in the true Religion, and continue in their service, or whither these Pædagogs do either become corrupt in Religion, or (continuing constant) are removed from their charge and by whom they are removed, and that they signifie these things to the Generall Assembly from time to time or their Commissioners, That they may represent the same to



the High Court of Parliament, Lords of secret Counsell or Committee of Estates, for such remedie as shall seem expedient to their Honours, for preventing of, and purging the land from the Plague of Idolatrie.

5. That such Parents, Tutors or Friends as either send away Children to forraign parts infected with Idolatry without such Testimonials as aforesaid, or do not recall them who are already abroad within such time as is above prefixed, or do remove from them their Protestant Pædagogs (that they may the more easily be infected with Popery) be processed, and in case of not amending these things, be Excommunicated.

6. That the names of such as are Excommunicated for these or any other causes, be sent in to the Generall Assembly from year to year, that (from thence) their names may be notified in all the Kingdom, and that the Acts of Parliament and secret Counsell may be put to execution against them, and all diligence used for that effect; and that by the effectuall dealing of the Generall Assembly, with the Parliament, Lords of secret Counsell, or Committee of Estates, their Lordships may Enact such further, just and severe civill Punishment on such Excommunicants for Terror to others, as shall be found necessary for purging this Covenanted Land from all Abominations.

Because persons addicted to Idolatry will use all means for their own hardening in their Superstitions and Idolatrous way, even within the Countrey; Therefore all known Papists, or Persons suspect of Poperie upon probable grounds, are to finde Caution before their Presbyteries, for their abstinence from Masse, and from the Company of all Jesuits, and Priests according to the second Overture against Papists, made *Anno* 1642. Also Presbyteries are to presse them to finde such Caution; And to observe what persons put their Sons or Daughters to such Families as are tainted with Popery within the Land, the same being a speciall mean to corrupt them with Idolatry; And to cause such Parents recall their Children, or else proceed with the Censures of the Kirk against them.

All which Overtures, Presbyteries are seriously required and Ordained to observe diligently with Certification, That they shall be severely censured, If they shall be found remisse or negligent in any of these points, which are so necessary for keeping of the LORDS House and People unpoluted with Error, Idolatry, or Superstition.

Aug. 11, 1648. Ante Meridiem. Sess. XXXIX.

*Act for prosecuting the Treaty for the Uniformity in Religion in the Kingdom of England.*

THE Generall Assembly, Taking to their consideration that the Treaty of Uniformity in Religion in all His Majesties Dominions is not yet perfected; Therefore, Renews the Power and Commission granted by preceeding Assemblies for prosecuting that Treaty unto these Persons after-named, viz. Mr Robert Dowglas, Mr Samuel Rutherford, Mr Robert Baillie, Mr George Gillespie, *Ministers*. And John Earle of Cassills, John Lord Balmerinoch, and Sr. Arch. Johnston of Wariston, *Elders*; Authorizing them with full power to prosecute the said Treaty of Uniformity with the Honourable Houses of the Parliament of England, and the Reverend Assembly of Divines there, or any Committees Appointed by them: And to do all and every thing which may advance, perfect,

and bring that Treaty to an happie conclusion, conform to the Commissions given thereanent.

*Act Renewing the Commission for the publick Affairs of this Kirk.*

THE Generall Assembly Taking to their consideration, that in respect the great work of Uniformity in Religion in all his Majesties Dominions is not yet perfected (though by the Lords blessing there is a good progress made in the same) There is a necessity of renewing the Commissions granted formerly for prosecuting and perfecting that great Work; Do Therefore Renew the Power and Commission granted for the Publick Affairs of the Kirk by the Generall Assemblies held at Saint Andrews, 1642, and at Edinburgh 1643, 1644, 1645, 1646, and 1647, unto the persons following, viz. Masters, John Lawder, Andrew Wood, David Calderwood, Robert Ker, John Mackghie, John Knox, John Sinclair, John Adamson, Robert Dowglas, George Gillespie, James Hamilton, Mungo Law, John Smith, Robert Lawrie, George Lesly, John Weir, Robert Eliot, Alexander Dickson, Patrick Fleeming, Thomas Vassie, Ephraim Melvill, Hew Kennedie, Kenneth Logie, Alexander Levistoun, George Bennet, David Weems, William Row, Robert Young, William Menzies, John Friebairne, John Givan, Harie Guthrie, Andrew Rind, David Auchterlony, Samuel Ousteen, Thomas Henderson, Charles Archibald, Andrew Lawder, John Leviston, John Macklellan, Alexander Turnbull, William Foulerton, George Hutcheson, John Genell, Patrick Colvill, James Ferguson, Hew Peebles, John Hamilton, Alexander Dunlope, David Ephiston, David Dickson, Robert Baillic, Robert Ramsay, Patrick Gillespie, Patrick Sharpe, James Nasunth, John Home, Evan Camron, Robert Blair, Samuel Rutherford, David Forret, Robert Traill, Andrew Bennett, Walther Greg, John Macgill younger, John Moncreiff, Fredrick Carmichael, John Chalmers, John Duncan, Andrew Donaldson, Wil. Oliphant, George Simmer, Andrew Affleck, Arthur Granger, David Strachen, Andrew Cant, John Rew, John Paterson, Alexander Cant, John Young, John Scaton, David Lindsay at Belhelvie, Nathaniel Martine, John Annand, William Falconer, Joseph Brodie, Alexander Summer, William Chalmer, Gilbert Anderson, David Rosse, George Gray, Robert Knox, William Penman, James Guthrie, Thomas Donaldson, William Jameson, Thomas Wilkie, James Ker, John Knox, Andrew Duncanson, *Ministers*: Archibald Marques of Argile, Alexander Earle of Eglintoun, John Earle of Cassills, William Earle of Lothian, Archibald Lord Angus, William Lord Borthwick, John Lord Torphichen, John Lord Balmerino, Robert Lord Burly, James Lord Couper, Lord Kilcudbright, Alexander Lord Elcho, Sir Archibald Johnston of Wariston, Sir John Hope of Craighall, Arthur Erskin of Scotsraig, Sir John Moncreiff of that ilk, Beaton of Creigh, Sir John Wauchhope of Midrie, Sir Thomas Ruthven of Frieland, Sir George Maxwell of Netherpollock, Sir James Fraser of Brae, Sir James Hackact of Pitfirren, Sir William Carmichael younger of that ilk, Walter Dundas younger of that ilk, Thomas Craigs of Ricarton, Mr George Wiurain of Liberton, Sir Alexander Inglis of Ingliston, Alexander Brodie of that ilk, Forbes of Eight, William Moore of Glanderston, John Ker of Lochtour, Alexander Pringill of Whitbank, Walther Scot of Whitslaid,



John Craford of Crafordlaud, Sir John Chisly of Carswell, Robert Monroe of Obsteall, Cornwall of Bonhard, George Dundas of Dudingston, Sir James Stewart of Kirkfield, Mr Alexander Colvill of Blair, Mr Alexander Peirson, Mr Robert Burnet younger, Mr Thomas Murray, George Potterfield, Mr James Campbell, James Hamilton, Lawrence Hendersou, Mr Robert Barclay, Mr William More, William Glendonig doctor, Dowglas, James Sword, Gideon Iack, Mr Dougall Campbell, John Boswall, John Brown, Wil. Brown, Robert Brown and William Russell, *Elders*: Giving unto them full Power and Commission, to do all and every thing for preservation of the Established Doctrine, Discipline, Worship and Government of this Kirk, against all who shall endeavour to introduce any thing contrary thereunto, and for prosecuting, advancing, perfecting and bringing the said Work of Uniformity in Religion in all His Majesties Dominions to a happy conclusion, conform to the former Commissions granted by proceeding Assemblies thereanent, And to that effect Appoints them, or any seventeen of them, whereof thirteen shall be Ministers to meet here in this City to morrow the 12<sup>th</sup> of this Moneth, And thereafter upon the last Wednesday, of November, February, and May next, and upon any other day, and in any other place they shall think fit. Renewing also to the Persons before named the power contained in the Act of the Assembly 1643, Intituled "A Reference to the Commission anent the Persons designed to repair to the Kingdom of England." And further, in case Delinquents have no constant residence in any one Presbyterie, or if Presbyteries be negligent or overawed, in these cases The Assembly gives to the persons before named, such power of censuring compliers and persons disaffected to the Covenant according to the Acts of the Assembly, Declaring alwayes and providing, that Ministers shall not be deposed, but in one of the quarterly meetings of this Commission; And further Authorises them as formerly with full power to make Supplications, Remonstrances, Declarations and Warnings to Indict Fastes and Thanksgivings as there shall be cause to Protest against all encroachments upon the Liberties of the Kirk, And to censure all such as interrupt this Commission or any other Church Judicatory, or the execution of their Censures or of any other sentences or Acts issuing from them, And with full power to them to treat and determine in the matters referred unto them by this Assembly, as fully and freely as if the same were here fully expressed, and with as ample power as any Commission of any former Generall Assemblies hath had or been in use of before: Declaring also that all opposers of the authority of this Commission in matters intrusted to them shall be holden as opposers of the authority of the Generall Assembly, And this Commission in their whole proceedings are comptable to, and censurable by the next Generall Assembly.

August 11, 1648. Post Meridiem. Sess. XL.

*Exemption of Murray, Rosse, and Caithnesse from the contribution granted to the boyes of Argyle, with a Recommendation to Presbyteries, to make up what is taken of them by that exemption.*

CONCERNING the overture and desire of the Commissioners of the Presbyteries of Murray, Rosse, and Caithnesse for an exemption from that

contribution of fourty shillings, recommended for entertainment of the Irish-boyes in Argyle; The Assembly having considered thereof, and of their offer in the name of the said Presbyteries, if that exemption be granted, Do Approve their offer, And Therefore hereby Exoners the said Presbyteries of the said contribution of fourty shillings toward the entertainment of the boyes in Argyle, And Ordains for that exemption according to the offer of their said Commissioners, that each Presbyterie of the said Provinces entertaine one of the Irish language at Schooles, and if any be found already fit for Colledges, they shall maintain them at Philosophie, and so forward, untill they be fit for the Ministry: And Because by this exemption the contribution for the boyes in Argyle will be so much lessened. Therefore The Assembly Recommends to all other Presbyteries to think upon some way how by the charitable supply that may be made up unto them.

#### *Act concerning Collection for the Poor.*

THE Assembly Understanding that the collections for the poor in some Kirks in the Countrey, are taken in the time of Divine Service, which being a very great and unseemly disturbance of Divine Worship, Do Therefore hereby Inhibit and discharge the same. And Ordains that the Minister and Session appoint some other way and time for receiving the said Collections.

#### *Recommendation for securing provisions to Ministers in Burghs.*

IN regard that the stipends of many Ministers in Burghs are not secured unto them and their successors; Therefore the Assembly Do seriously Recommend to the Honourable Commission of Parliament for planting of Kirks, to provide reall and valide security of competent and honest meanes to the present Ministers of Burghs and their successours, where they are not sufficiently provided or secured already; Ordaining Presbyteries to use all necessary diligence for prosecuting thereof before the said Commission for planting Kirks.

#### *The Humble Supplication of the Generall Assembly of the Kirk of Scotland, met at Edinburgh August 12, unto the Kings Most Excellent Majestie.*

ALBEIT your Majestie through the suggestions of evil men, may haply entertain hard thoughts of us and our Proceedings, yet the Searcher of hearts knowes, and our consciences bear record unto us, that we bear in our spirits these humble and dutifull respects to your Majestie, that loyall subjects owe to their native Sovereigne, and that it would be one of our greatest contentments upon earth, to see your Majestie reigning for the LORD, in Righteousnesse and Peace over these Nations: And therefore as we do bow our knees daily before the Throne of Grace on your behalf, and the behalf of your Posterity; So we finde our selves, as heretofore, obliged faithfully and freely to warn your Majestie of your danger and dutie; Wishing, and hoping that the LORD will incline your Royall heart, from the sence of the evil which hath befallen You,



through the slighting of former Warning, to be more attentive unto this. We are very sensible of your Majesties sufferings, and low condition, and do not in the least measure approve, but from our hearts abhorre any thing that hath been done to your Majesties Person, contrary to the common resolutions of both Kingdoms: Yet it shall be your Majesties wisdom, in this as in all that hath befallen you these years past, to read the righteous hand of the LORD, writing bitter things against you, as for all your Provocations, so especially for resisting his Work, and authorising by your Commissions the shedding of the blood of his People, for which it is high time to repent, that there be no more wrath against you and your Realms.

The Commission of the preceding Assembly, whose proceedings are unanimously approved by this Assembly, Having read your Majesties Letter of the date at Carisbrook Castle, December 27, And perused your Concessions, did finde some of these Concessions destructive to the Covenant, and all of them unsatisfactorie, and did therefore emit a Declaration concerning the same, least your Majesties Subjects in this Kingdom should have unawares inbarked themselves in an Engagement upon grounds not consisting with the good of Religion, and the Solemn League and Covenant. For preventing whereof, they did also present most just and necessary desires unto the high and honourable Court of Parliament of this Kingdom; which, if they had been granted, might have through the Blessing of GOD, either procured (upon Treaty) your Majesties re-establishment, and a solide Peace, or laid open the expedience and necessity of a lawfull War, and have united this Kingdom therein for the good of Religion, of your Majestie, and of your Kingdoms. When the Parliament was pleased without satisfaction to any of these desires, to go on towards the determining of a War upon the grounds contained in their Declaration, As many of their own Members who have been faithfull in the Cause of GOD from the beginning, did dissent from their proceedings, so most of all the Presbyteries and Synods of this Kingdom, and the Committees of War in severall Shires did by humble Supplication represent to the Parliament, how unsatisfied they were in their consciences concerning the present Engagement: Notwithstanding of all which, the Engagement hath been carried on without clearing either of the lawfulness or necessity thereof. Therefore, We having now examined the same by the Rule of Gods Word, and having found it unlawfull, as we have warned the whole Kingdom of the danger thereof, So we hold it our Duty also to warne your Majestie as the Servants of the most High GOD, and in Name of the Lord Jesus Christ, who must Judge the quick and dead, Earnestly beseeching your Majestie that as ye would not draw new guilt upon your Majesties Throne, and make these Kingdoms again a field of Blood, you would be far from owning or having any hand in this so unlawfull an Engagement; Which as it hath already been the cause of so much sorrow and many sufferings to the People of God in this Land, who choose affliction rather than sin, So it tendeth to the undoing of the Covenant and Work of Reformation: As we do not oppose the restitution of your Majestie to the exercise of your Royall Power; So we must needs desire that that which is GODS be given unto Him in the first place, and that Religion may be secured before the settling of any humane interest; Being confident that this way is not only most for the Honour of GOD, but also for your Majesties Honor and Safety. And therefore

as it was one of our Desires to the High and Honourable Court of Parliament that they would sollicite your Majestie for securing of Religion, and establishing the Solemn League and Covenant in all your Dominions, that your Majestie might know that what they intend on your behalf was with a subordination to Religion; So we do now from our selves make this humble address unto your Majestie, intreating your Majestie as you tender Truth and Peace, you would be pleased to suffer your self to be possessed with right thoughts of the League and Covenant, and of the proceedings of your Majesties loyall Subjects in relation thereunto, and give your Royall assent for injoyning of it in all your Dominions. If your Majestie had been pleased to hearken to our Counsell hereanent some years ago, the blood of many thousands, which now lyes upon your Majesties Throne, might have been spared, Popery, Prelacy, Idolatry, Superstition, Prophanesse, Heresie, Errour, Sects and Schismes which are now grown to so great a height in England, might have been extirpate, and your Majestie sitting in Peace in your own House, Reigning over your Subjects with much mutuall contentment and confidence. And if your Majestie shall yet search out and repent of all your secret and open Sins, And after so many dear-bought experiences of the danger of evil Ceunsell, be now so wise as to avoid it, and to hearken to us speaking unto you in the Name of the Lord, We are confident by this means your Majestie may yet be restored, and a sure and firme peace procured. We take it as a great mercy, and as a door of hope, that GOD still inclines the hearts of all his Servants to pray for your Majestie; And we would not have your Majestie to look upon it as a light thing that you have been preserved alive, when many thousands have by your means and procurement fallen on your right hand and on your left hand. God forbid that your Majestie should any longer despise the word of exhortation, the riches of his goodnesse, forbearance and long suffering, not knowing that the goodnesse of God leads you unto Repentance; For if your Majestie do so, As we are afraid, all Counsels and Endeavours for your Majesties re-establishment shall be in vain and without successe, because of the Wrath of the LORD of Hosts, who brings down the mighty from his Throne, and scatters the proud in the imaginations of their hearts; So we shall mourn in secret for it, and for all the miseries that are like to come upon your Throne and your Dominions, and comfort our selves in this, that we have delivered our own souls. But we desire to hope better things, and that your Majestie will humble your self under the mighty hand of God, and be inclined to hearken to the faithfull advise of his Servants, be willing to secure Religion, and imploy your Royall Power for advancing the Kingdom of the Son of GOD, which will turn as well to the Honour and Happinesse of your Majestie as to the Peace and Safety of your Subjects.

August 12, 1648. Sess. Ult.

*Act discharging Duels.*

THE General Assembly taking in consideration the many Duels and combats that have been fought, and Challenges that have been made, and carried, and received in this Land of late. And being sensible of the exceeding great offence that comes by so horrible and hainous a sin; which is a grosse preferring of the supposed credit of the



Creature unto the Honour of the most High God, and an usurpation upon the office of the Magistrate by private mens taking of the Sword, And a High degree of murther both of body and soul, by shedding the blood of the one, and cutting off the other from time of repenting; And which doth ordinarily produce many wofull consequents, Therefore doth enact And Ordain that all Persons of whatsoever quality who shall either fight Duels, or make, or write, or receive, or with their knowledge carry Challenges, or go to the fields, either as Principals, or as Seconds to fight Duels and Combats, that they shall without respect of Persons be proccessed with the Censures of the Kirk and brought before the Congregation two severall Lords-dayes; In the first whereof they are sharply to be rebuked and convinced of the hainousnesse of their sin and offence, and on the next to make a solemn publick Confession thereof, and profession of their unfained Humiliation and Repentance for the same. And if the Person guilty of any of the former offences be an Elder or Deacon, he is to be removed from his office, and whatsoever person guilty of any of these offences, shall refuse to give obedience according to the tenour of this Act, shall be proccessed to Excommunication: Declaring always, that if any be killed at such Duels, the killer shall be proceeded against by the Kirk as other murtherers.

*Act concerning deposed Ministers.*

THE Assembly considering that divers Ministers deposed for Malignancy, and complying with the Enemies of this Kirk and Cause of God, may be suited by, and hope to get entry in some Congregation where a Minister deposed for Malignancy hath been, and may be supposed to have put on the people a stamp and impression of Malignancie, and being by the Act of the Generall Assembly in Anno 1645, Past all hope of being restored to the place out of whilk he was cast: Now also Ordains and enacts that no Minister deposed for Malignancy and compliance foresaid (when it shall fall out that he be put in a capacity of admission to the Ministry) shall enter into the Congregation of any other Minister who also hath been deposed for Malignaucy and compliance, as said is.

THE General Assembly not having now time to consider the References of preceeding Assemblies, and the most part of Presbyteries not having sent their opinions in Writ, Therefore do yet again Recommend to Presbyteries and Provinciaill Assemblies to consider all matters referred by this or by any former Assemblies, are to send their opinions therein in writ to the next Generall Assembly.

THE meeting of the next Generall Assembly is hereby Appointed to be at Edinburgh the first Wednesday of July, 1649.

A. KER.

INDEX of the UNPRINTED ACTS of the GENERALL ASSEMBLY, held at Edinburgh, 1648.

1.—Election of Mr George Gillespie, Moderator. Sess. 1.

2.—Recom. to the Magistrates of Edinburgh for accommodating the Assembly-house for the Members thereof. Sess. 2.

3.—Committee for the contraverted Commissions. *Ib.*

4.—Committee for References and Appeals. *Ib.*

5.—Committee for Bills and Overtures. *Ib.*

6.—Committee for triall of the proceedings of the Commission of the preceeding Assembly. *Ib.*

7.—Committee for revising the Provinciaill Books. *Ib.*

8.—Committee for appointing Ministers to Preach during the Sitting of the Assembly. *Ib.*

9.—Committee to consider the present dangers and duties of these times, and other publick matters. *Ib.*

10.—Ref. to the Committee to consider of the said Elections of Commissioners from Burghs. *Ib.*

11.—Act concerning the Commission from Ireland. *Ib.*

12.—Act rejecting the Commission from the Presbyterie of Chirnside. Sess. 3.

13.—Letter to the Laird of Blacader, Elder in the said Commission, to clear the Assemblies respects to him. *Ib.*

14.—Act Refusing the Commission from Dunee. *Ib.*

15.—Meeting of the Commissioners from severall Provinces to try the blasphemies and insolences of the Army, now forth in the late Engagement against England, and to report. *Ib.*

16.—Act concerning Mr James Aitkin. Sess. 4.

17.—Commission for Visitation of the Presbyteries of Dunee and Chirnside. *Ib.*

18.—Committee for hearing the report concerning the Paraphrase of the Psalmes in Meeter. *Ib.*

19.—Ref. to the Committee for publick matters, to take in the reports concerning the Directorie of Government, Catechisme, and CXI Propositions. *Ib.*

20.—Recom. in favours of the relicts of Doctor Sharpe and Mr R. Brounlics to the Committee of Estates. *Ib.*

21.—Petition from the Army lately gone to England. Sess. 5.

22.—The offers and desires of the Committee of Estates of the 17 July. *Ib.*

23.—Quære to the Committee of Estates. *Ib.*

24.—Recom. to the Lord Theasaurer for the arrears of the annuity of 500. li. Sterl. *Ib.*

25.—Answer to the Quære from the Committee of Estates 17 July. *Ib.*

26.—Return to the Committee of Estates. *Ib.*

27.—Ref. Petitions from Ireland for Ministers to a Committee. *Ib.*

28.—Modification to Mr David Calderwood for his publick employments. Sess. 6.

29.—Modification to the Clerk of the Assembly for his service. *Ib.*

30.—Paper from the Committee of Estates of the 18 July. *Ib.*

31.—The Assemblies return to the said Paper. *Ib.*

32.—The Committee of Estates answer to the said return. *Ib.*

33.—The Assemblies Return to the said answer. *Ib.*

34.—Another Paper from the Committee of Estates of the 18 July. Sess. 7.

35.—Answer to the Paper last sent from the Committee of Estates, bearing a power to certain Members of the Assembly to confer with their Lordships. *Ib.*

36.—Answer to Mr Patrick Hammiltoun, denying his desire for opening his mouth, with a Recommendation in his favours. Sess. 8.



- 37.—Remit. Mr James Rosse to Presbyterie and Synod. *Ib.*
- 38.—Recom. to Presbyterie of Dunkeld concerning vauking Stipends. *Ib.*
- 39.—Approbation of the Act of the Commission of the preceding Assembly concerning the Collecting of the History of the time. *Ib.*
- 40.—Recom. to the Clerk for Printing the publick Papers. *Ib.*
- 41.—Recom. to the Clerk for reprinting the Confession of Faith with the Assemblies Approbation. *Sess. 9.*
- 42.—Recom. to Mr Robert Dowglas for printing two of his Sermons. *Ib.*
- 43.—Ref. concerning Major Turner and Lieut. Colonel Hurrie to the Commission for publick affairs. *Ib.*
- 44.—Remit. to the Presbyterie of Edinburgh concerning the Service-books and Idolatrous monuments, now lying in the high-School-yard. *Ib.*
- 45.—Committee for considering James Murrays businesse. *Ib.*
- 46.—Paper from the Committee of Estates of the 20 Iuly. *Sess. 10.*
- 47.—The Assemblies Answer thereto with an appointment for conference. *Ib.*
- 48.—Order for eiting Patrick Lesly Provost of Aberdeen. *Ib.*
- 49.—Recom. to the Committee of Estates concerning his miscarriage. *Ib.*
- 50.—Ref. concerning insolences and blasphemies of the souldiers to the Commission for publick affairs. *Sess. 11.*
- 51.—Paper from the Committee of Estates of the 22 Iuly concerning the conference, and concerning Patrick Lesly. *Sess. 12.*
- 52.—The Assemblies answer to the said Paper. *Ib.*
- 53.—Act concerning Mr George Clerk. *Ib.*
- 54.—Act refusing Mr George Hutchesons transportation to Air. *Ib.*
- 55.—Motion verballie from the Committee for Ministers to the Army, with the Assemblies answer thereunto. *Ib.*
- 56.—Act concerning Patrick Leslies answers. *Ib.*
- 57.—Paper from the Committee of Estates of the 24 Iuly. *Sess. 13.*
- 58.—Ref. of the said Paper to the Committee for publick businesse to consider of an answer, and report their opinions. *Ib.*
- 59.—Act concerning Patrick Lesly. *Ib.*
- 60.—Appointment of a letter to Mr Hew Henderson for settling in Dumfries according to the sentence of transportation. *Ib.*
- 61.—Ref. for planting a Colleague in Air to the Commisison for publick affairs. *Ib.*
- 62.—Ref. of the remedies of the sins of the times, to the Committee which was appointed for triall of the Commission of the preceding Assembly. *Ib.*
- 63.—Ref. Mr Walter Comries transportation to the Committee of bills, and they to report. *Ib.*
- 64.—Appointment that all bills, appeals, references, reports, &c. be given in before Wednesday next. *Ib.*
- 65.—Paper from the Committee concerning Patrick Lesly. *Sess. 14.*
- 66.—The Assemblies answer thereunto. *Ib.*
- 67.—Ref. Patrick Lesly to a Committee for conference. *Ib.*
- 68.—Suspension Mr Harie Cockburn. *Sess. 15.*
- 69.—Vote sustaining the summons concerning the transportation of Mr John Leviston to Anerum. *Ib.*
- 70.—Recom. Mr Iohn Durie to E. Hadington. *Sess. 16.*
- 71.—Ref. Mr Samuel Dowglas to the visitation of Dunce and Chirnside. *Ib.*
- 72.—Ref. the dissent of the Brethren in the Provinciaill of Merse and Teviotdail to the said visitation. *Ib.*
- 73.—Ref. concerning Ministers to Ireland to the Commission to be appointed for publick affairs. *Ib.*
- 74.—Advise concerning discipline to be used, with the Garisons and Regiments in Ireland. *Ib.*
- 75.—Letter to Generall Major Monro. *Ib.*
- 76.—Ref. for planting the Kirk of Bruntiland to the Commission to be appointed for publick affairs. *Sess. 17.*
- 77.—Recom. concerning James Murrays children. *Ib.*
- 78.—Recom. to the Commission of Parliament for planting of Kirks the adjoyning Sutherland, Sutherlandhall, &c. to Lindean and making it a distinct paroch. *Ib.*
- 79.—Recom. for keeping in the interim the Kirk of Galosheills. *Ib.*
- 80.—Recom. in favours of Mr James Morison Minister at Erne and Randell, or his executors for the payment of a some of mony by the next intrant. *Ib.*
- 81.—Recom. for planting Kirks in Badinoeh to the Commission for planting of Kirks. *Ib.*
- 82.—Recom. to the Commission for publick affairs to think upon and prosecute some wayes for planting a Ministry in Locharbar. *Ib.*
- 83.—Recom. to Presbyteries to send a more particualar information of the insolencies and miscarriages of the souldiers and the evidences thereof to the Commission for publick affairs. *Ib.*
- 84.—Ref. to the Committee of bills to distribute the petitions for charitie. *Ib.*
- 85.—Recom. Mr Robert Linsayes relict and children. *Sess. 18.*
- 86.—Recom. Mr Patriek Linsayes children. *Ib.*
- 87.—Paper from the Committee of Estates of the 28 of Iuly. *Ib.*
- 88.—Recom. to Presbyteries to supplie the places of the brethren sent in Commission to the Generall Assembly, or that attend the meetings of the Commission of the Assembly. *Sess. 19.*
- 89.—Act for conference with Earle of Abercorne untill the first of March. *Sess. 20.*
- 90.—Committee for considering the hospitalls, and to report their condition. *Ib.*
- 91.—Commission for visiting Rosse, Sutherland, Cathnes, Orknay, and Zetland, with a Reference concerning Mr Iames Iohnston. *Ib.*
- 92.—Commission for visitation of Stirling, and Dumblane Presbyteries, with a Referencee for the particualar concerning Mr Andrew Iaffray. *Ib.*
- 93.—Ref. to the Commission for publick affairs for the triall of the Provinciaill book of Argyle. *Ib.*
- 94.—Act appointing the Clerk to print the Declaration with the first conveniencie and to send it to Presbyteries. *Sess. 22.*
- 95.—Vote for removing the Commissioners in the Province of Galloway in the matter concerning Mr John Levistons transportation to Anerum. *Ib.*
- 96.—Declaration in favour of the Presbyterie of Jedburgh, for preserving their right and interest in planting Anerum *proprio Jure.* *Ib.*
- 97.—Transportation of Mr John Leviston to Anerum. *Ib.*
- 98.—Order for some Brethrens presenting the Declaration to the Committee of Estates. *Sess. 23.*
- 99.—Ref. to the Committee appointed for publick matters to consider of the materials and draught of a petition to the Committee Estates. *Ib.*



- 100.—Ref. for planting Kircaldie to the Commission for publick affairs. *Sess.* 24.
- 101.—Approbation of the manner and order of the calling and setting a Colleague in the Kirk of Culrosse. *Ib.*
- 102.—Committee concerning Mr James Row. *Ib.*
- 103.—Committee for examining Witnesses upon the injury done to Mr Robert Melvill. *Ib.*
- 104.—Committee for examining a scandalous Pamphlet falsely put forth under the name of Mr Alexander Henderson. *Sess.* 25.
- 105.—The Assemblies answer Refusing the desire of the Isle of Makghie in Ireland for Mr John Dick. *Ib.*
- 106.—Vote for Maccullo of Ardwell his purgation by oath. *Ib.*
- 107.—Warrant for citing the persons that injured Mr Robert Melvill. *Ib.*
- 108.—Vote concerning Patrick Leslie. *Sess.* 27.
- 109.—Approbation of the Excambion mentioned in the contract betwixt Sir William Scot and the Minister of Mertoun consented to by the Presbyterie, and approved by the Synod. *Ib.*
- 110.—Ref. Mr William Home to the Visitation of Dunce and Chirnside. *Ib.*
- 111.—Liberty for John Gillon to preach untill the next Assembly for exercise of his gift. *Ib.*
- 112.—Ref. concerning the Quære from the Presbyterie of Edinburgh, touching the marriage of a young gentlewoman minor without consent of her tutors, to a Committee. *Ib.*
- 113.—Act refusing the desire of Mr James Row for opening his mouth. *Ib.*
- 114.—Remit. the appeal of the Parochiners of Schots, concerning the admission of Mr Francis Kincadc to the Presbyterie and Synod respectively of consent. *Ib.*
- 115.—Act refusing the transporting of Doctor Colvill to the Colledge of Edinburgh. *Sess.* 29.
- 116.—Ref. Mr William Sanders to the Commission for planting of Kirks. *Ib.*
- 117.—Ref. dissent in the Presbyterie of Chirnside to the visitation of Dunce and Chirnside. *Sess.* 30.
- 118.—Act for conference with the Lady Mordington. *Ib.*
- 119.—Ref. to the Visitation of Dunce for tryall of that murther committed in the Lord Mordingtons house. *Ib.*
- 120.—Appointment of Mr Alexander Leviston to go to Ireland first, next Mr Hary Sempell, Mr Andrew Lawder in the third place, and Mr John Dick the last three moneth. *Ib.*
- 121.—Recom. Some Brethren to speak again the Lord Theasaurer for payment of by-gones of the annuity of 500l. Sterling. *Ib.*
- 122.—Vote for laying aside the question concerning Mr John Lawes appeal. *Ib.*
- 123.—Ref. to a Committee to consider of some Overtures concerning Papists and their children and Excommunicate persons and to report. *Ib.*
- 124.—Recom. to the Presbyterie of Chirnside, concerning Mordingtons family. *Ib.*
- 125.—Act concerning Patrick Leslies acknowledgment and promise of better behaviour, With a Reference to the Commission for publick affairs if he keep not his promise. *Sess.* 31.
- 126.—Committee for considering the Petition of the great Session of Edinburgh for Ministers, and to report. *Ib.*
- 127.—Continuation of the examination of the Directory of Government, and the CXI Propositions untill the next Assembly. *Sess.* 32.
- 128.—Recom. to Universities to bring to the next Assembly the grounds and evidences of their Commissions to Assemblies. *Ib.*
- 129.—Commission for Visitation of Glasgow. *Ib.*
- 130.—Commission for Visitation of Aberdeen. *Ib.*
- 131.—Commission for Visitation of Edinbrough. *Ib.*
- 132.—Letter to the Officers of the Army now in England in Answer to their Letter and Petition to the Assembly for Ministers. *Ib.*
- 133.—Act reponing Mr William Dowglas. *Ib.*
- 134.—Act reponing Mr John Logie. *Ib.*
- 135.—Recom. certain persons for charity. *Ib.*
- 136.—Act for delaying the Communion. *Ib.*
- 137.—Recom. for repairing of Kirks, and founding of Schools in the Presbyterie of Sky. *Sess.* 33.
- 138.—Continuation of Mr Andrew Ramsay untill the morne. *Ib.*
- 139.—Suspension of Mr Andrew Ramsay, untill the next Generall Assembly. *Sess.* 34.
- 140.—Ref. Mr William Colvill to a conference, and they to report. *Ib.*
- 141.—Citation of Mr William Colvill *apud acta* to answer for not reading the Causes of the late Fast. *Ib.*
- 142.—Ref. Doctor John Baron to a conference. *Ib.*
- 143.—Recom. Mr George Clerk to the Presbyteries within Fife, Angus, and Merns, and Aberdeen. *Sess.* 35.
- 144.—Commission for Visitation of the Universitie of St Andrews. *Ib.*
- 145.—Act for visiting Hospitals and Mortifications. *Ib.*
- 146.—Recom. to the Provinciall of Argylo to visit the Presbyterie of Sky. *Ib.*
- 147.—Advise to the Presbyterie to depose Mr William Edmiston with a Recommendation to the Justice to proceed against him for Adultery. *Ib.*
- 148.—Recom. to the Presbyterie of Sky to censure Profanation of the Sabbath. *Ib.*
- 149.—Approbation of the report for planting of the Kirks of Edinburgh. *Sess.* 36.
- 150.—Committee for naming a List of six Ministers for Edinburgh. *Ib.*
- 151.—Vote concerning Mr William Colvills answering presently for not reading the Causes of the Fast. *Ib.*
- 152.—Continuation of Mr William Colvill untill the morn. *Ib.*
- 153.—Continuation of Doctor Baron untill the morn. *Ib.*
- 154.—Continuation of the 20s. payed out of every Kirk for dispatches. *Ib.*
- 155.—Suspension of Mr William Colvill. *Sess.* 37.
- 156.—Suspension of Doctor Baron with a Reference to the Visitation of the Universitie of St Andrews and Commission for publick affairs respectively. *Ib.*
- 157.—Recom. of the Minister of Cameron to the Commission of Parliament for planting of Kirks. *Sess.* 38.
- 158.—Recommendation to Master James Hamiltoun and Master James Guthrie to draw in Articles the duties of Elders, and a forme of Visitation of Families, and to prepare a report to the next Assembly. *Ib.*
- 159.—Recom. to Mr David Calderwood to draw a draught of a forme of visitations of particular Congregations, and to prepare a report to the next Assembly. *Ib.*
- 160.—Recom. to Mr John Smith and the Clerk, to draw out all the Acts of Parliament and Assembly, for Kirk Discipline and Penalties for scandalous Sins, and to report to the next Assembly. *Ib.*



- 161.—List of six Ministers to Edinburgh. *Ib.*  
 162.—Ref. to the Commission for publick affairs to plant four Ministers out of the said List in the Kirks of Edinburgh. *Ib.*  
 163.—Declaration of the unsatisfactoriness of the Observations of the Committee of Estates upon the Assemblies Declaration, with a Reference to the Commission for publick affairs, to put forth an Answer thereto. *Sess. 39.*  
 164.—Appointment of the first dyet of Citations in the matter of transportations not to be before the last Wednesday of October. *Ib.*  
 165.—The Assemblies Answer to a Quære from the Presbyterie of Elgin, concerning the transporting from the Hie-lands a Minister to the Low-lands. *Sess. 40.*  
 166.—Letter to their Brethren in Ireland. *Ib.*  
 167.—Letter to the Lord Chancellor. *Ib.*  
 168.—Indiction of a Fast on the second Sabbath of September, with the causes thereof. *Ib.*  
 169.—Recom. concerning Mr Hew Henderson. *Ib.*  
 170.—Recom. for the people in Libberton to repair to the Kirk of Quodquen. *Ib.*  
 171.—Recom. to the Parliament for dissolution the benefice of Kinkell. *Ib.*  
 172.—Act for proceeding against Captain Maxwell and John Sumervail and Coronet Weir. *Ib.*  
 173.—Recom. for planting in Innerness another Minister that hath the Irish tongue. *Ib.*  
 174.—Recom. for planting a Kirk in Gladsmure and that some Brethren speak to the E. Haddington that by his pretence to the Patronage he do not obstruct so good a work. *Ib.*  
 175.—Remit. Mr John Law to the Provinciaill of Glasgow. *Ib.*  
 176.—Ref. concerning Mr James Aitkin to the visitation of Rosse and Caithnes, &c. *Ib.*  
 177.—Ref. Mr Donald Rosse Minister at Lochbroom to the said visitation. *Ib.*  
 178.—Ref. Mr John Duncan to the said Visitation. *Ib.*  
 179.—Recom. to the Presbyterie of Dingwall concerning Mr Murdo Mackenzie late Minister at Suddie. *Ib.*  
 180.—Act declaring Mr Murdo Mackenzie late Minister at Dingwall, incapable for ever of the Ministry, with a Recommendation to the Presbyterie to proceed against him with Excommunication. *Ib.*  
 181.—Deposition Mr William Cowper Schoolmaster at Chanrie from that charge. *Ib.*  
 182.—Continuation of the matter concerning Mr John Rosse at Lunfaman, to the next Assembly. *Sess. Ult.*  
 183.—Act Ordaining the Presbyterie of Elgin to proceed against Master Thomas Gilzean and John Gordon. *Ib.*  
 184.—Ref. Master Francis Omev to the Provinciaill of Perth. *Ib.*  
 185.—Refusall of Master George Hannaes desire, and his censure for his miscarriage. *Ib.*  
 186.—Recom. in favours of his wife and children.  
 187.—Recom. concerning the Kirk of Mordington, to the visitation of Dunee and Chirnside. *Ib.*  
 188.—Recom. to the Provinces of Aberdeen, Angus and Murray to supply the vaiking Kirks in Badinloch, Lochaber, &c. respectively in their own bounds. *Ib.*  
 189.—Ref. of Sir Lachlean Mackean to the Commission for publick affairs. *Ib.*  
 190.—Ordinance for the Presbyterie of Sky to proceed with Excommunication against Mr Lachlane Fraser. *Ib.*

191.—Ref. Concerning the particulars given in by Master James Moreson against the Presbyterie of Kirwall to the visitation of Rosse and Caithnes. *Ib.*

192.—Renovation of the Commission of the preceding Assembly in Sess. 26, concerning Witchcraft. *Ib.*

193.—Recommendation Master Alexander Mackean to Presbyteries and Universities for a Bursar, and particularly to the Presbyterie of Edinburgh. *Ib.*

194.—Act concerning the tryall of Master William Home and citing of Witnesses. *Ib.*

195.—Commission to Mr John Pringill and Mr John Strachen to examine Witnesses in that matter. *Ib.*

196.—Recom. to the Commissioners of the Presbyterie of Glasgow for sending to the Clerk an exact report of the condition of their Kirks, with their provisions, the extent of Paroches, and number of Parochinners. *Ib.*

197.—Act for intimating the Visitation of Dunee and Chirnside. *Ib.*

198.—Recommendation Master William Dowglas to the Committee of Estates. *Ib.*

FINIS.

### Miscellaneous Historical Documents,

RELATIVE TO THE ECCLESIASTICAL AND POLITICAL  
EVENTS IN SCOTLAND—1648.

### Excerpts from Principal Baillie's Letters.

To Mr William Spang. [Glasgow,] March 27, 1648.

REVEREND AND DEAR COUSIN,—He is wiser than a man who can inform what course our affairs here will take. This is the seventh week that I have been forced to attend in Edinburgh; and yet we see small appearance of any good conclusion; but as they are I make you this account of them. After the King found himself disappointed of all the fair hopes made to him by Cromwell and his party, whether on their repentance, or their fear from Lilburn, Rainsborough, and their levelling friends, our commissioners made more serious applications, and were more acceptable than before. At the Isle of Wight, his Majesty did live with them very lovingly, and upon great hopes on all hands. Traquair, Sir John Cheesly, Callendar, and all that came home before them, gave it out confidently in the general, that the King had given to our commissioners full satisfaction. This caused great joy, and a readiness in all to rise in arms quickly for his deliverance. But when I found all bound up by oath, not to reveal any of the particular concessions till the commissioners returned, I feared the satisfaction should not be found so agreeable as was spoken. The too strict secrecy bred prejudices in the minds of the wisest. And when we heard the report from the Chancellor and Lauderdale at their return, our suspicions were turned into grief: for we found the concessions no ways satisfactory, and the engagements of some to the King upon them so great, as did much blemish their reputation with many of their intimate friends. Our debates for more than a fortnight were to come to the bottom of these offers, and to find a way how we might be



free of them. We were malecontent with our commissioners : their seurvvy usage by the parliament of England, their compassion of the King's condition, Lauerk's power with Lauderdale, and both their workings on the Chaneellor, made them to aaccept of less, and promise more to the King, than we would stand to. They were content we should declare our dissatisfaction with the King's offers as we thought fit, both by the elurch and the state, on condition we would consent to a levy against the faction of sectaries. To this we were uot unwilling, providing we might be satisfied in the state of the question, and might be assured, that the army should be put in such hands as we might confide in. Both these were promised to us in private ; but when we found no performance, the business is retarded to this day. Betwixt the Chancellor, Duke Argyle, Treasurer, Lauderdale, Lanerk, Balmerino, Wariston, Mr Robert Douglas, Mr George Gillespie, Mr David Calderwood, Mr Robert Blair, Mr David Dickson, Mr Samuel Rutherford, many meetings have been had, night and day, private and publick ; but as yet our discords increase, and are ready to break out in a fearful rupture both of church and state. Our meetings were long in private for a state of a question. We required peremptorily to stand to our former principles and covenant ; "to have religion settled first ; and the King not restored till he had given security, by his oath, to consent to an act of parliament for injoining the covenant in all his dominions, and settling religion according to the covenant." We stuck many days on that negative expressiou, "The King not to be restored till he had sworn the covenant." This much had both our parliament and assembly pressed upon him at Newcastle ; yet at last we were content of affirmative expressions : " Religion and the covenant to be settled, and thereupon the King to be restored." The next difficulty in the question was about the malignants. We were peremptory to have none of them in our army who should not take the covenant, and to have all of them declared enemies who should rise in arms by themselves for any end contrary to our cause. Here we had great struggling. In the writ which we called an agreement and engagement, the King's offers therein, too great favour was shown to malignants. We resolved to beware of them so much the more. The greatest stop of all was upon the oath. We resolved to have these things put in a formal oath, to be taken solemnly by all the members of parliament and officers of our army. They declined an oath by all means. While we are like to come to no agreement about these thiugs, the pulpits sounded loud against the dangers of malignants, but more softly against sectaries. We prepare also a declaration of dangers and duties, wherein we press to the full our dissatisfaction with the King's concessions in matters of religion. This gave great offence to our commissioners. We had put them to it to give us in writ the report what passed between them and the King concerning religion ; for his Majesty in his letter to us had said, he had offered to them what he was confident would give us satisfaction, which they are necessitated to give us in writ these private concessions, and be content to have them, and our reasons against them, published to the world. They were not a little offended ; but there was no remedy. To our sense, they had passed the bounds of their duty, though both the committee of estates, and parliament itself, had, in a fair general, without examination, approved all they had done. We thought it destructive to our cause and covenant,

and ourselves absolutely impeded from all motion for the King till these grounds of motion were publicly disclaimed. It increased our offence, that so many noblemen did vex us with debates and votes openly in face of the commission, after we had changed in private, for the satisfaction of the Chancellor and Lauderdale, many passages of our writ ; also that they had laboured to their power to make a party among the ministers to oppose us, Mr Andrew Ramsay, Mr Andrew Fairfoul, Mr Robert Laurie, Mr Andrew Afflect, and divers others ; but especially Mr William Colvil, who had in private objected against one passage, inferring the necessity upon conscience to restore the King presently to the exercise of his full regal power in all his dominions, notwithstanding of all he had done, without any condition, either of covenant, religion, or propositions ; that we were obliged to do this duty unto him, and never more to oppose till we found him abuse this power ; and then we might resist, albeit no more but the abuse of this power. I did think it enough in our subcommittee to bring him to acknowledge so shameful a tenet, all of us thinking he would not have the boldness any more in publick to speak to such a purpose ; yet in the face of the commission, in a very jeering insolent way, being a little provoked by the indiscreet challenge of Mr Rutherford ; he offered to reason for such a conclusion. We had not failed to have called him to an account for his malapertness, had not the intervention of other greater affairs diverted us.

By this time the parliament was set. Never so many noblemen present in any of our parliaments ; near fifty Earls and Lords. Among them were found but eight or nine for our way ; Argyle, Eglington, Cassils, Lothian, Arburthnot, Torphichen, Ross, Balmerino, Cupar, Burleigh, and sometimes the Chaucellor and Balearras. All the rest, with more than the half of the Barous, and almost the half of the Burgesses, especially the greater towns, Edinburgh, Perth, Dundee, Aberdeen, St Andrew's, Linlithgow, ran in a string after Duke Hamilton's vote. That party, besides the advantage of the number of two at least to one, had likewise the most of the ablest speakers. For us none did speak but Argyle and Wariston, and sometimes Cassils and Balmerino ; but they had the Duke, the Treasurer, Lanerk, Lauderdale, Traquair, Gleucairn, Cochran, Lee, all able spokesmen ; yet the other party had the advantage of reputation, having from the beginning been constant in our cause : also all the assistance the church could make was for them. The first bickering was for our declaration. When, contrary to their minds, we had passed it, they were earnest it might not be published ; but we had given orders, as ever had been our eustom, to print it, even before we had eommunicated it to the parliament. They had divers purposes, either by persuasion or violence, to have kept it in ; but we let it go out on Monday, and ordained it to be read on Sunday thereafter in all the kirks of Edinburgh, and about. That which hastened it out was our irritation by the Treasurer's challenge of Argyle on the Monday morning ; an unhappy accident, that was ready to have kindled the fire amongst us all, had not God prevented it. Argyle's enemies had of a long time burdened him, among many slanders, with that of eowardice and eullionry. On the Friday afternoon in parliament, discoursing merrily with the Treasurer, he said, "He heard of a meeting wherent the Treasurer had been the other night." Speaking a little of this purpose, he apprehended, that the Treasurer had said, not only that the best men of the kingdom had been at that meet-



ing, but also, that himself was a better man than he. Upon this, Argyle goes out of the House in anger, and calls for Major Innes, who sat at both their feet, and heard their discourse, to know if he had heard the Treasurer say, that himself was a better man than Argyle. Innes did not avow the words; but being sent to the Treasurer from Argyle, to try if he had spoken so, he said, He would not account to Argyle what he said; but whatever it was, he would make it good with his sword. Upon this, Argyle desired him to appoint time and place; and on the Sunday, a publick fast-day, the Treasurer sent back word, after both sermons, that on Musselburgh links, at seven o'clock to-morrow morning, he should meet him, and bring a nobleman for a second. Innes, albeit no great friend to Argyle, not only offered himself to Argyle for a second, but told him, he would resent it as a wrong if he were not admitted; so Argyle, with no flesh but Innes, the Treasurer, and Lanerk his second, did meet. Incontinent all were missed, and many ran to all quarters to search for them; and, by God's providence, before they began their plea, some fell on them, and made them part without a stroke. The council that night, with much ado, got them to a professed coldrife friendship. We had resolved in the commission of the church, to have made both before the congregation acknowledge their fault; so much the more, as Sinclair and David Lesly, Eglinton, and Gleneairn, some days before; and some days after, Kenmuir and Cranston, had been on the like engagements; but other matters put that out of our heads.

The publishing of our printed declaration put some of the parliament on many hard thoughts of us; but the result of all was, the calling of six of us to confer with six of their great committee upon a state of a question. For them were, Lauderdale, Lanerk, Humble, Lee, Archibald Sydserf, and Sir Alexander Wedderburn, with the Chancellor: For us, Mr David Calderwood, Mr D. Dickson, Mr G. Gillespie, Craighall, Libberton, I, with the moderator Mr Robert Douglas. They produced to us a draught of a declaration, penned with a great deal of deliberation, by the counsel of many, but especially by Lanerk's pen. They had slandered us exceedingly, as opposite to all war with the English sectaries on any terms. To clear that mistake, I wrote, and put in divers hands, Lanerk's among others, the paper which herewith I send you. Their draught did endeavour to give pretty good satisfaction to most of our doubts; yet after a day's advisement, we found it so unsatisfactory, that themselves were content we should take it to our consideration to be corrected as we found expedient. Mr Gillespie and my Lord Wariston had drawn an oath of association, which pleased themselves well, but their opposites extremely ill, and their best friends but so and so, when best corrected. In our draught we took so much of their declaration, and our friends oath of association, as we thought made a state of a question which should be satisfactory to all; and here, to my great joy, were we on the very nick of a cordial agreement: but behold a most unhappy accident, which did put us to, and yet has kept us in a discord almost irreconcilable. There was a great desire in the chief that were for an engagement, to seize on Berwick and Carlisle, both for the extreme great advantage of these places, and also to begin the war, for the encouraging of our friends abroad, and wakening our people at home. This they counted no wrong, nor invasion of England; their quarrel being only against the sectaries and their adherents, for vindicating of

our covenant, for the rescue of the King, parliament, and oppressed covenanters. An indiction needed not against this enemy. The towns of England, for our passing and safe retreat in the prosecution of the common cause, ought to be patent. Yet the most of us were averse from this design, and had long kept it off. In a few days we found the parliament, two thirds for one, otherwise affected than we wished. So soon as it was constituted, there was an inclination to make a close committee for the greatest affairs. Six of every state were named. So long as their power was not determined, we were not startled; but so soon as they got an absolute power to do what was fitting for the safety of the kingdom, in relation to Berwick and Carlisle, incontinent all were alarmed. Six of the trustiest members of parliament protested against that vote. The protestation was not admitted; but the protestors thereafter kept themselves together; and albeit the least, yet they kept the reputation of the best part of the parliament. Privately and publickly we gave warning, that the passing of such a vote would break us irrecoverably; but we were believed too late. My Lord Callendar's party were so furiously earnest to possess Berwick, and to begin action, that they threatened to desert Hamilton and his friends if they delayed the vote any longer: so it passed, notwithstanding our earnest intreaties, and our friends protestation to the contrary. The issue was, we refused to confer any more on the state of a question. The protestors confirmed their union. Many of the shires sent in to supplicate against all engagement, unless the kirk were satisfied in the state of a question. David Lesly, Holburn, with the rest of the officers, declared their resolution, not to move without our satisfaction. After some days contest, we found a great change. The Chancellor that had hitherto been too far for the engagers, offended with their unreasonable proceedings, came almost wholly off them to us his old and best friends. The chief of the Duke's friends came to intreat us to accept all we could desire, to state the question according to our mind, to be assured to have such in our armies and committees as we liked, to give over the surprise of Berwick, and all acting by the close committee. These things, by the Treasurer and others, were offered to us, with many fair and earnest expressions. As yet we are not satisfied by words, and some of our leaders are likely never to be satisfied, and resolve to trust to nothing that their opposites can do or say, so long as this parliament, which they call unsound, is in being. The danger of this rigidity is like to be fatal to the King, to the whole isle, both churches and states. We mourn for it to God. Though it proceed from two or three men at most, yet it seems remediless. If we be kept from a present civil war, it is God, and not the wisdom of our most wise and best men, which will save us. I am more and more in the mind, that it were for the good of the world, that churchmen did meddle with ecclesiastick affairs only; that were they ever so able otherwise, they are unhappy statesmen; that as Erastianism is hurtful to the church, so an Episcopal papacy is unfortunate for the state. If no man were wiser than I am, we should not make many scruples to settle the throne, and pull down the sectaries. Never more high and dangerous questions in Scots hands. What the conclusion will be, a few days will declare.

While we are sticking in these labyrinths, one of our number, none of the most rigid, falls on the overture to propone the commission of the general assembly's desires all together immediately to the



parliament, wherein, if we got satisfaction, we were to go on as they desired us, to state a question. The motion was approved. This draught of eight articles, after some changes of it to the worse, was passed, and presented, in name of the commission of the church, by Mr Robert Blair, Mr Robert Ramsay, and I. For answer, the eighteen of their first great committee, with the addition of six more, twenty-four in all, the prime members of parliament, were appointed to confer with us on these our desires. The commission, to these seven who had met before with the subcommittee of parliament upon their declaration, added Mr Robert Blair and Mr Andrew Cant. On the Thursday, before noon, they went through the first five of our desires. All the sticking was on the fifth; wherein we pressed to have the malignants who should rise in arms by themselves declared enemies, as well as sectaries. This was contrary to the King's agreement with some, and their intentions, who, without the help of malignants, made the work impossible. At last we carried the article. In the afternoon we had almost differed on the sixth, the King's oath to consent to an act of parliament for injoining the solemn league before his restitution to the exercise of the royal power. We pressed him not to take the covenant; but whatever his conscience was, we conceived him bound to consent to the necessary laws of the kingdom. Thus his good-dame Queen Mary assented to the acts of parliament for the Reformed religion. This also did pass for the substance; only a committee was appointed to smooth some expressions about the King's restitution. We had no power to recede from any word, and so would not be at any committee for changing any expression, but believed the commission of the kirk would not stick at words, if the matter were well secured. On the seventh article, for managing the war by constant hands, there was not much debate. We could here fall on no words which might not be granted, and yet little for our advantage; albeit this was the greatest of all our difficulties. Upon the constitution of the army depended all our human safety, hope, and security of whatever else was granted. It goes now so, that no trust remains to any words or oaths; except therefore force were in the hands of our friends, we resolved not to stir; and yet we could not crave any such particular, but had necessity to have it done one way or other. Some underhand did move to have the Duke General-Callender and his friends were careful to free us of this fear; for generally all but the Duke's own followers doubted much the sincerity of his intentions, either for religion or the King; albeit I confess, whenever I heard him or his brother speak in earnest, they seemed to me to give ample satisfaction; but as yet they have not the fortune to be believed by many. Ochiltree's business stieks still in the throats of some. Upon too great probability, Callender, by his own party, which is great, is wished General: but his inflexibility to serve against Montrose, upon the sense of private injuries, whereby indelible marks of disgrace were printed on the face of Scotland, and his very ambiguous proceedings in England at Hereford and elsewhere, make us that we dare not put our lives and religion in his hands. David Lesly and Holburn are more beloved by us. The old General, for all his infirmities, is acceptable; also Middleton, and the general of the artillery, will not be refused. In private we were assured these should be the general officers; but we will not be assured without sight, and our main difficulties will be upon the committees to govern the state and army in the intervals of the sessions

of parliament. If herein they permit them whom we count trusty, to have full power, when they can carry what they will in parliament, it will be a great wonder; yet if in this we get not satisfaction, nothing else will satisfy. We expect little debate on the eighth article, to have an oath for all this; but herein we were peremptory, and hope to obtain. It was my wish, that only the parliament and officers of the army should swear, and that the body of the land should be put to no more oaths; but it seems this association must be no less sworn than our two former covenants. While thus far we had proceeded on Thursday, I thought we were as good as agreed; so I resolved to go home to-morrow; for the opening of our provincial synod lay on me as the last moderator; also a new very dangerous infection was broken up in Glasgow, and come to my very gates. Upon these reasons, after eight weeks stay, I got leave from the commission to return; albeit very hardly, for our business was not fully closed, and I had immediate access and trust with sundry of the most leading men, with whom I was esteemed to do no evil service; while others, by their way, did irritate more; also we had resolved to have reason of Mr W. Colvil and his followers for their great and dangerous insolency, not so much in their open contempt, neglecting to read our declaration, as in their sermons and private negotiations, both with noblemen and ministers, to frame a faction for dividing of our church, wherein the peremptory rigidity of some, the too great simplicity of others, and the evil talents of more, gave them the occasion to make too great progress; but having staid till I declared my sense abundantly against these men, and helped to bring them low, and put them in a way either to recant or to be censured, I came away on the Friday morning, and to my own house at night. The college was almost totally dissolved for fear of the plague. We are waiting on the Lord's pleasure, what he will do with Glasgow, whether yet it may be spared from the plague, whereof I am not desperate; and what shall be the next act of the long tragedy among us.

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*June 26, 1648.*—REVEREND AND DEAR COUSIN,—Since my last, March 28th, I have heard nothing from you, nor long before. Our affairs since have had a great progress, but not an inch to the better. All appearance of any possibility to agree, daily does more and more vanish. A spirit of bitterness, jealousy, and mutual contempt, grows on all hands, and the stronger party is begun to persecute the weaker, and that evil is like much to increase quickly. The course of affairs may draw both beside any intention to do the worst of that which has been objected to either as their design. The sectaries and malignants may shortly divide the whole isle, to the great danger and hurt of the King and the honest Presbyterians in both kingdoms. Our storm is yet but waxing; we can make but small judgement of its end.

When I closed my last to you, as then I wrote, there was some good hope of concord, a pretty good answer was expected to our eight desires; but some unhappy men made all these hopes to flee away. The committee of twenty-four framed their answer, and got it passed in an act of parliament before it came to the commission of the kirk. They to whom the consideration of it was committed, looked so narrowly into every word of it, that they found snares in every other line, and not one of our eight desires satisfied. This much the commission represented in a new paper, added a new desire, to declare against the negative voice of the King,



which the commissioners papers in England had so much pressed. This draught of Mr James Guthrie's, in the absence of Mr G. Gillespie, was as ill taken when it came to the parliament as any other, and so was as good as laid aside, till in the large declaration they gave it an answer. In the mean time they put out the act of posture for setting all the kingdom in a defence against invasion; but in a few days came out the act of levy, which, incontinent, alarmed all. The first narrative was ill taken, a danger from the malignants that had taken Berwick and Carlisle. The world knew there was no danger to us from them, for they had been with us in Edinburgh, and their enterprise upon Berwick and Carlisle was generally believed not to have been undertaken without some of our privities. The act therefore, before publishing, was helped, grounding our levy on the danger from the army of sectaries, which these surprises would draw down on our borders; and in this there is like to be no false prophecy.

Here it was where our differences began first to be irreconcilable. We stood on the managers of the war as much as any one thing. The committees of shires, and crowners for the posture, were indifferent; but when it came to the levy, generally all the crowners of horse and foot were chosen as Duke Hamilton and Callender liked. Our friends here got very little of their will; but the epestone was put upon our despair, when we found Hamilton and Callender, how much contrare soever one to another, yet at last, after their had been much speech and dealing of either to join with Argyle, and that, through whose fault I know not, had miscarried at last: I say, Hamilton and Callender did join too friendly to our prejudice, and that on these terms, beside others, that the Duke should be General, and the Earl his Lieutenant. Both of them to that time had been opposite to the employment of either; and so long as they had any hope of our compliance, both professed a great deal of willingness to continue the old general officers, without any change, and each offered to mar the employment of the other; but when they could not draw our friends to engage in any terms liking them, then peremptorily they struck hands, and went on without much more notice of us.

With threats and promises they moved old Lesly to lay down his place. For a long time we had hopes the army, which we had kept from dissolving, should have been firm to us; but Middleton spoiled that our hope. All the officers had joined in a supplication to the parliament backing the desires of the kirk. Had this been stood to, the designs of others had soon been broken; but Middleton, who long had shifted subscription, at last was willing to join, with an addition of a short postscript, of the subscribers willingness notwithstanding to obey all the parliament's directions. This commentary did so enervate the text, that our friends persuaded the officers to lay aside their petition, as that which was profitable for nothing, being clearly emasculate by the postscript. From that day we lost the army. David Lesly, by much dealing of many, was made willing to keep his place; yet afterward he repented, and gave it over; and so did Holburn, and divers more of the most gallant of their officers, when they saw the church's advice totally neglected.

These things did grieve much the spirits of many, and I believe few more deeply than my own, so that my health by grief for many days was impaired; yet by the importunity of many, I was (before fully recovered) drawn back again to Edinburgh. Then I found that matters totally were desperate.

Lauderdale with grief, the Treasurer, with many tears, told me how sore against their hearts they went the way they were in, casting the blame on others, who yet assured me, for their parts, that they found never any truth in the fair general offers was made them, when it came to any particular. However, then the dice was cast, every side were engaged to go on in their own way.

The declaration, long and well studied, and penned most by Lanerk, in very plausible terms, was offered to us. We appointed a committee for it. It was my advice to be short in observing, and to pitch but on the main exceptions. On sundry we agreed, and what sum offered I got out of their own conceptions; yet being obliged to take physie, I was forced to keep my chamber ten days. In this interval Mr Gillespie, without much contradiction, got in his representation whatever either himself or W. or C. had collected, which made it tediously long, and in sundry things needlessly quarrelsome, and to come so late, that the parliament, after ten days waiting for it, at Lauderdale's cauker'd motion, commanded their declaration to go out without any more notice of what we had to say against it.

At this time a messenger went to the parliament of England with five demands, craving an answer peremptorily in fifteen days. That which they feared most was to engage in any treaty. This we ever pressed, but they thought it needless, since they quarrelled not with the parliament, but with the army and their adherents, with whom they were not obliged to treat, and lose the season of the English motions at home. The rumour of our war made a great stir in many parts both of England and Ireland, and put the parliament to alter much of their former way, to grant London their militia, the tour the guard of the parliament as before, the freedom of their imprisoned aldermen, the recalling of the eleven members to their places, the restoring the impeached Lords, the making Warwick admiral of the navy: the army also was forced to divide; Cromwell to Wales, where yet he is; Fairfax to the north; but in his march he was recalled to suppress the Kentishmen. The most of the shires were on their feet. Had not our unhappy discords marred our expedition; had we with a small army, with any unanimity, but appeared on the border in time, appearingly, without stroke, we might have got for the King, for our friends, for ourselves, what we pleased; but our fatal discords were as well known at London as at Edinburgh, so leisure is taken by Fairfax to quiet Kent and Essex, and by Cromwell to hold down Wales, and by others to keep in Cornwall. Lambert in Yorkshire had time to keep back Langdale from York and Lancashire, and great pains are taken to join the Presbyterians and the Independents against all the risers in the shires, and our army, as against malignants. If this conjunction go on, the King and our nation are in a hard taking.

In the meantime the parliament and commission proceed in their paper-differences. Their declaration and our representation are both printed. They go on to act, we to preach against the lawfulness of the engagement as it was stated. The rendezvouses are appointed for the shires against the 21st of May. Many presbyteries, synods, burghs, shires, gave in supplications the 1st of June, to delay the levy till the church got satisfaction. Our poor town still singular in that unhappiness, is made the first example of suffering. All of us the town-ministers went up to supplicate the Duke in Hamilton, in the name of the presbytery, to delay the lifting of our people till our supplications were answered by the



parliament. I spoke oft, and at length, to his Grace and Excellency, as moderator of the presbytery. We got courteous and civil words enough; but deeds very bitter. Incontinent all our magistrates and town-council, that same night, were summoned to answer to the parliament, for not keeping with their men the rendezvous; a fault common to them with all their neighbour towns and shires, yea with the whole kingdom well near; yet they were all east in the tolbooth, and kept there divers days; and because they professed scruple of conscience to further the levy, they were all deprived of their places, and a commission sent to the old council that before was removed, to elect new magistrates.

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But this not all our misery. Before this change, some regiments of horse and foot were sent to our town, with orders to quarter on no other but the magistrates, council, session, and their lovers. These orders were executed with rigor. On the most religious people of our own town, huge burdens did fall. On some 10, on some 20, on others 30 soldiers, and more, did quarter; who, beside meat and drink, wine, and good cheer, and whatever they called for, did exact cruelly their daily pay, and much more. In ten days they cost a few honest, but mean people, 40,000 lb. besides plundering of these whom necessity forced to flee from their houses. Our loss and danger was not so great by James Graham.

No relief got we, but a greater mischief. Many yeomen in Clydesdale, upon fear to be levied by force, had fled from their houses to Loudon-hill, and there had met in a body of some hundred horse and foot. Sundry of the soldiers who had left the army, joined with them. Much speech began of a resistance in the west. Too many ministers, both east and west, were said to be for it, if there should appear a likelihood of a party. For myself, I was clear against all such thing: I thought we had neither a just cause nor a good authority for any such matter, and the farthest we might go was no more than suffering. While we are on these debates, Callender and Middleton come west on the Saturday the 10th June. About a fortnight before Argyle had met with Eglinton and Cassils at Irvine. This meeting gave a show to the talk of a resistance in the west. Fife also seemed to look that way: but it appears now well, that the named noblemen, whatever they met for, did conclude of no such thing; for Argyle went presently home to Inverary, and Eglinton declared himself willing to let his men be levied. However Callender made haste to make the west secure. The Clydesdale men came, on the Saturday, to Mauchline to communicate. That night Callender lay at Paisley. On Monday he made a rendezvous at Stewarton, of 16,000 good horse, and above 2,000 foot, at ten o'clock. From thence he marched to Mauchline, sending Middleton before him with 300 horse.

The noblemen and gentlemen of the shire of Ayr had sat late on the Saturday at a committee in Riecartoun: finding that Fife had yielded, that Argyle was far off and quiet, and Callender with an army in their bosom, they resolved to lay aside all thoughts of resistance, and of this advertised the people at Mauchline. They notwithstanding would not dissolve, but after the sermon in the morning of Monday, some 1200 horse and 800 foot with eight ministers go out to Mauchline muir; gentlemen or officers very few were among them. While they are about to chuse some, Middleton appears. They expected no enemy in haste, so they are amazed at

the sight. The ministers went to Middleton, and capitulated for the safety of all, except the soldiers who had left their colours, whereof were 100 or 200. This written capitulation the ministers did carry to the people, and persuaded to their power their disbanding. The most of the men of Kyle and Cunningham were content to go, but the soldiers and Clydesdale men would needs fight. While they are more than an hour in this confused uncertainty, and sundry crying to fight, Middleton makes a few of his horse to charge; but the people presently fled. His soldiers abstained from killing, only a taking horse, arms, and purses. A troop of the people fleeing to a bridge, and missing the way, were forced to stand. They turned on the soldiers, and fought very stoutly. Here was the most of the slaughter; near forty fell: some say as many of the troopers as of the people. Middleton himself was sore put to it by a smith. He got some wounds; and confesses, had he not stabbed the smith, though not deadly, while he was bringing on him too great a stroke, he had undoubtedly killed him. Many of the people were wounded. By the time Callender and the army came up, the people were dispersed. They speak as if the Clydesdale horse were gone to Galloway, with a mind yet to fight; but I believe it not. There is indeed in our people a great animosity put in them, both by our preaching and discourse; also by the extreme great oppression of the soldiers; so that it fears me, if Lambert be come to Carlisle with fresh men, and have put Langdale in to the town, as they say, so soon as our army shall be entangled with the English, many of our people rise on their backs. To prevent this, they have passed a severe, and, as I think, an unjust and tyrannous act of parliament, to put all the subjects of the kingdom to subscribe their readiness with life and estate, to further the execution of the acts of this parliament, meaning, above all, the act of the levy, which the church has so much contradicted as unlawful; also to declare, that the execution of the acts of this parliament, are the most necessary and fittest means to remedy our troubles, and preserve religion; and that all who shall not subscribe this much, without delay, are justly to be holden enemies to the common cause, religion, and country. We think the best part of the land will never subscribe this, and so that all of us who refuse shall be at their mercy. If I be put to this subscription, as possibly I may shortly, I think I may once more come to you, and that to remain longer. A service to any of our regiments, or any company of English merchants, will be very welcome to me; which you will be thinking of; for however yet they let ministers alone, and I have as much favour as any other, yet I think our troubles may so increase, that I may be glad to be out of Scotland. It seems many of our people may incline to venture their lives, either alone or with the English army, if it come near, against them who now are employed. I am not for any such matter. For fear of sectaries, we have not joined with malignants. If we should join with sectaries, it would be to me abominable. We who resolve neither to join with malignants nor sectaries, may fall into great inconveniences; but the Lord's will be done.

Our approaching general assembly is like to be a dangerous one. The moderator's task will be hard. I am in doubt if I shall be at his election. The last time I was near it. I am feared more for it now. I incline by absence to eschew it. You have here the posture of our affairs as now they stand. I think they shall be much worse before they amend.



*August 23, 1648.*—How things go here since my last, I give you this account. So soon as the motion in the west was crushed, which now I find had proven a very high and dangerous commotion, had Callendar delayed but two or three days to see it, the Duke with diligence did draw his forces together to the border, both to ease the poor country of their free quarter and grievous oppression, as also to put Lambert from hazarding the regaining of Berwick and Carlisle. The leaguer lay long about Penrith and Appleby before the Irish troops, and foot regiments from the north came to him. At last they became a very considerable force; the greatest that went from Scotland since the beginning of these troubles, though far from the number, as I conceive, of 22,000 foot and 8,000 horse, which common report made them. Never an army was so great a charge to the country; the foot-soldier for his levy-money, cloaths, and arms, costing generally 100 lb. the horsemen 300 merks, and their free quarter being an unlimited plundering of many very good and pious people. Our state has now found, which scarcely could have been believed, that, contrary to the utmost endeavours of the church, and all their friends, they can raise and maintain an army, and do what they will at home and abroad. The wisdom of some of us has made that practick to pass, and the mystery of our weakness to be divulged much sooner than needed. Always what the end will be, a little time will try. They are now in Lancashire. Lambert has no force to look upon them. The trained bands of the shires join not with him. Cromwell, with the few he could bring with him from Pembroke castle, having marched mid-way, is forced to return to Wales, where the Lord Biron did raise a party so soon as he had left it. Fairfax is yet at Colchester. It seems the Houses, city, and committee of the shires, have of purpose withdrawn assistance, that Fairfax at Colchester, and Cromwell at Pembroke, should lie till their forces melt away, and become contemptible. If London permit the Prince to lie still in the Downs, and be master of their trade, it cannot but breed great altercations quickly. That the cursed army of seetaries should vanish in smoke, and their friends in the Houses, city, and country, be brought to their well-deserved ruin; that the King and his family should be at last in some nearness to be restored to their dignity and former condition, I am very glad: but my fear is great, that his restitution shall come by these hands, and be so ill prepared, that the glorious reformation we have suffered so much for, shall be much endangered, and the most that shall be obtained be but an Erastian weak Presbytery, with a toleration of Popery and Episcopacy at court, and of divers sects elsewhere. We, who might have been the chief instruments to have stopped this evil, are for the time so far at odds with our state, army, and King, that the despite which all three have at us is like to further much that evil in England, and draw it ere long on Scotland also; but the Lord can easily disappoint our fears. Our state, on pretence to attend the Prince, whom, by my Lord Lauderdale, according to the agreement at the Isle of Wight, they are inviting hither, but really to keep down insurrections of people in the west, are levying 1500 horse more. They suspect deadly, that the dissenters in parliament, with the help of the church, may raise the country, if their army were once deeply engaged or worsted in England. Of this I know no ground; but men who are conscious of occasioning much grief to many,

fall in needless fear, and by the means of preventing, draw on their deservings. Our condition for the time is sad: The pestilence in Glasgow, Aberdeen, and Edinburgh also; the continuance of very intemperate rain upon the eorns; the irreconcilable differences of church and state, looking towards a very great persecution of them who have been the best instruments both of church and state, are great signs of the wrath of God; especially the hearts of the body of the people being evidently hardened, and the minds likewise of the ministry diverted from pressing that humiliation and mourning which the times call for above all things else.

But, leaving the state, our general assembly sat down on Wednesday, July 12th. On the Saturday before, I had been tormented with a pain in my tooth, more vehemently than ever with any other pain. This put me from preaching on Sunday, and riding on the Monday. Thus far I was glad that I had a true excuse for my not appearing the first day in the assembly, whence I had resolved, however, to have been absent. Mr Robert Douglas and Mr Robert Blair preached at the fast. The assembly sat till near eight at night choosing their moderator. Every man's addition of three to the moderator's list, albeit an equitable and satisfactory way, yet it proves very longsome. Mr Robert Douglas named for his two, Mr Andrew Cant and Mr George Gillespie; the assembly added Mr David Dickson, Mr Robert Blair, and Mr John Smith. Many named me; but I was well away. Mr Blair was doubtless the meetest man; but because lately he had moderated, he got few votes. Mr Andrew Cant got two; Mr David Dickson none. It went betwixt Mr George Gillespie and Mr John Smith. Mr George did much deprecate the burden; as he had great reason, both for his health's sake, and other great reasons: yet he carried it.

The session on Thursday was spent on the nomination of the committees. In all prior assemblies, some few of us met the night before the assembly in Wariston's chamber, with Argyle, the Chancellor, and some others of our chief and wisest friends, to consider about choosing the moderator, committees, and chief points of the assembly. This preparation was now necessarily omitted to our hurt. Argyle and the Chancellor were both absent in their own houses, to eschew the subscription of the bond of maintenance. Wariston did not appear, not only for that cause, but also lest he should have been pressed to have pleaded against the ministers; for the eight ministers present at Mauchline muir were summoned to answer as raisers of the tumult. Mr William Guthrie, Mr Matthew Mowat, and Mr Thomas Wylie, were dissuaded to appear. Mr Gabriel Maxwell, Mr John Nevo, Mr William Adair, Mr Alexander Blair, appeared, and under their hand protested, that, directly nor indirectly, they had persuaded the people to meet there that day. When for divers weeks they had been put off from day to day, they were at last dismissed to a new citation. Always the good advocate being resolved in his mind, if he had been put to it, to have pleaded for the ministers, and not against them, was, with much ado, moved by his friends to lurk for some time till the storm went over.

The want of these private preparatory meetings, which the moderator's health permitted him not to attend, did make our assembly needlessly long, and very tedious; for besides that the moderator's way of inquiring at so many before every voice, was not for dispatch, his unacquaintance with the affairs of



the committees before they came to the face of the assembly, made the reports unripe and unadvised and so oft needful after much debate in the assembly, to be recommitted. The committee of prime importance was that of publick affairs. Upon this the prime men were put; but so mixed, that the far most part were of the most rigid dispositions. When Mr Robert Ramsay, and some others, were moved to be added to the moderator's list of this committee, it was peremptorily refused, upon this pretence, that he was upon another committee. By this means, were got out of that meeting whoever the moderator pleased, and on it whom he would.

For examination of the proceedings of the late commission, Mr John Monerieff, Mr John Row, and some who had not before been commissioners, were named. Upon the fear, that they who had corrupted the parliament, should have been alike active to have procured commissioners to our assembly conform to their minds, it was carefully provided, that in all presbyteries they should be chosen who were most zealous for the covenant, and for the proceedings of the commission of the kirk, and for the maintenance thereof: so this assembly did consist of such whose minds carried them most against the present engagement, which was the great and only question for the time. The ruling elders were, Cassils, Lothian, Balmerino, Coupar, Torphichen, Kirkcudbright, Angus, Creigh, Monerieff, Netherpollock, &c. Southesk and Loure were also commissioners; but Loure appeared not, and Southesk finding himself put on a mean committee, appeared no more. The chief contest betwixt us and the committee of estates, was like to be about the work of this committee for the commission-book. They sent in Glencairn to desire us to delay to approve the proceedings thereof, till they had prepared their considerations against them. The custom of the assembly, according to prior acts, was to examine with the first, acts of the commission of the preceding assembly. The exceptions the state took at their proceedings were such as made their persons incapable to voice in the assembly till they were cleared. Now the men were a great and chief part of this assembly; also the matter in question, the engagement, was of a great concernment, and had for many months been in agitation betwixt the church and state; so that long time needed not to set down any thing concerning it. So soon, therefore, as the report of that committee was ready, it was thought meet, without longer delay than a night or two, to receive and vote it. All without a contrary vote was approved. This angered our statesmen, and made them see, that all hope to make the assembly divert from the way of the former commission, was desperate.

The first ten or twelve days we had but one session in the day, the afternoon being given to the committees to prepare work for the assembly. In our committee for publick affairs, at our first meeting, I found more work cut out, and put in other hands, than I well liked. I agreed we should go on as far as the commission of the church had done against the engagement; but I wished no further progress; yet it was proposed, and carried, to make a new publick declaration against it; yea, to have a declaration to England for the same effect. The drawing of these was committed to a subcommittee of six, whereof I was glad to be none; but I was not content, when, to Mess. David Calderwood, Robert Ker, John Smith, were joined Mess. James Guthrie, John Livingston, John Maclelland, Robert Blair, and David Dickson, who were afterwards added; and I was required to be added, but per-

emptorily refused; for my mind was not very forward for the writs they were to draw.

Friday and Saturday were spent on trying the commissions. Those of the presbyteries of Dunse and Chirnside were rejected; the one had chosen Mr Samuel Douglas moderator, the same day that a complaint of him had come to them from the commission of the church, for his never appearing there but once, and that to dissent from the church's declaration against the engagement. The other presbytery's commission was rejected, because they had put in a ruling elder, who had entered a written protestation in the presbytery against the causes of the late fast, relating to the late engagement. The disaffection of these two presbyteries was much spoken of; therefore it was thought fit to appoint a visitation, consisting of the most zealous brethren of Edinburgh, Lothian, and the Merse, to cognosce and censure their carriage as they found cause. The like course was taken with the presbyteries of Stirling and Dunkeld. They had not been exact enough in trying the alledged malignancy of one of their number. This occasioned a visitation of them likewise. Mr Harry Guthrie, a very bold man, but in this and the late assemblies very quiet, gave in a petition against this course; but rather than to make din in vain, took it up again. In our committee we had, these days, some reasonings about the commissions from boroughs: none of us were much for the things but all for tolerating of them, for fear of offending the boroughs at this time; only the commission of Edinburgh was thought to be wrong; but none offered themselves for that town. The discord betwixt their magistrates and ministers was much more than I desired to see. Their spleen against one or two of their ministers was great. The wilfulness of some rash men to have Sir John Smith out of his place has cost us dear. Since they have got the magistracy of that town, who, to their power, have carried all things there to the mind of those whom we little affected, one of their great cares has been, to keep their kirks rather vacant, than to plant them with any whom they liked not. In chusing of ministers and commissioners they took a new way. Their commissioners for the assembly they named in their town-council; also, as patrons, they elected their ministers there. They were content to propound the men elected, to the session of that church where they were to serve, but to no other. Much debate there was with them in a committee appointed for that end; but the result was, that the commissioners elected in their council should have the consent of their great session, which is their six sessions joined; also the ministers whom, as patrons, they name in the council, shall have the consent of the six sessions before they be presented to the presbytery; and in regard of their neglect to supply their vacant places, now of a long time, the assembly did vote six, whom they recommended to the great session to chuse four of them, and to obtain their orderly transportations from the commission of the church. The men were, Mess. John Maclellan, George Hucheson, Hugh Mackell, James Ferguson, James Naesmith, and Robert Trail. All this has added to the town of Edinburgh's offence, and is thought will not further the plantation of their vacant places.

One of the assembly's committees I have ever been against, tho' yet without fruit. The city of Edinburgh is supplied with the ablest men of the kingdom; their chief service should be in assembly time. The custom ever has been, that so long as the assembly sits, all these men are idle, and all their kirks must be provided by members of the



assembly. This makes many weak and ill-accommodated country preachers fill these eminent places, at most considerable times. This made the pulpits of Edinburgh be provided for on the Sundays, and week thereafter, worse than needed.

On Monday always we have the forenoon free, because many go out on the Sunday to the churches about. That time I spent in a meeting with the universities, and got them to meet twice or thrice more, where we debated, and concluded the most part of the overtures, whereof you have here a double.

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The three or four next sessions were spent much of them in votes and debates upon papers betwixt us and the states. Glencairn and others presented to us a petition from the Duke and the army for ministers, which they seconded. Likewise they offered all the security for religion they were able; and for removing the present differences they required a conference with us. To all these they required a present answer; at least before we past on the trial, in order to the approbation of the commission's books, against which they professed they had divers new exceptions. To all these we gave answers in writ. The proceedings of the commission were unanimously approven; a conference was appointed; eight ministers named, and some elders; the army's letter was referred to our committee. The state neglected the conference, since we had approven the proceedings of the commission, and had resolved, that no security to religion was possible so long as the engagement did stand; only they met once for a fashion, and gave in a paper, craving scripture from us for the unlawfulness of the engagement, and our meddling with matters of war and peace. This paper was referred to our committee. In an afternoon some few of us met, and set down our scriptural grounds for both these points; but thought fit to put them in the declaration rather than in a several paper.

Mr R. Blair and Mr J. Smith were willing to draw the declaration, lest it should fall in Mr James Guthrie's brisk hand. I obtested Mr Blair, that he would be careful of two things; one, to be full against the sectaries; another, to beware that his draught carried any thing which, directly or indirectly, might carry us to a resistance of the state. I knew, that the most of the leading men thought a resistance by arms to the ways in hand lawful enough, if the dissenters in parliament, or any considerable part of the kingdom, had courage and probable force to act; but it was my greatest care, that nothing might bear any such thing; and this I obtained to my great contentment. There were two points somewhat akin to this that I obtained also, but with much difficulty. Sundry at divers times moved to have it determined, if it was lawful to pay any monthly maintenance, since avowedly it was pressed for the use of the army, which was unlawful. I avowed the lawfulness of it, as of a tribute agreed upon by the state before this army was in being; and that Caesar in conscience must have his tribute, let him employ it to what uses he thinks fit. Also, if this were refused, the excise, the portion of annualrents, and all other dues, which were employed for the service of the army, behoved to be denied; which could not but make the state to take it by force, and the people to fight against their spoilers. At last we agreed to lay the question aside. It was likewise much pressed, that such as had been active for the engagement should be kept from the holy table; and, as I did think, the design of some was to have our statesmen put under

church-censures for their diligence in this engagement. My mind in this you have in a paper here by itself. I got it, by much speech and private dealing, carried according to my mind. But other things were carried over my head. It was moved, for the farther clearing of the wickedness of the war, to make a collection from the commissioners of all the presbyteries of the chief insolencies committed by the soldiers before they went from among us, and to put these in our declaration. I was willing they should be collected to be complained of both to church and state, and censured by both so severely as possible; but was averse to have them registrated, for the infamy of the very nation, into our publick declaration. In this I was not heard. Also, when it was pressed that ministers silent, who did not preach against the engagement, should for this be deposed, I wished, if men were modest, and otherwise offended not, that this fault might carry no more but a rebuke; but not only it was made deposition, but, by the motion of two or three men at most, it was carried against my mind, and of divers others, that the prior acts against deposed ministers for malignancy should be made more strait: 1. That none of them should be ever admitted to any church whence a man for malignancy was deposed; but also, that they should be kept from preaching till a general assembly did find them fit for a church; also, if after their deposition they meddled with any part of the stipend or glebe, it should be excommunication to them. It was pressed by some, that the not paying of the stipend to the next intrant, should be excommunication to the patrons or tenants, who, upon the act of parliament, paid it to him who was deposed for adhering to the state. This was hardly got avoided.

It was against the minds of sundry to make a declaration to England at all; but this behoved to be. I was feared for Mr James Guthrie his hand, and so I found I had reason. His draught was wanting of that which I thought was the chief thing it became us to say to them, if so we said any thing, a sharp complaint against the sectarian army, and the parliament's negligence to perform their part of the covenant, which had brought on us all our present troubles: also it had some dangerous expressions, which I thought imported the rock I desired to evite, calling our state, "a faction; yea, the mixed multitude that came out of Egypt;" but the dissenters from the engagement, "the nation, and the Israel of God." With very much ado I got these helped, some in the committee, and others in the face of the assembly.

I found the bent sail of the spirits of some so much on the engagement, that all things else were like to be neglected; therefore I pressed, that the doctrinals, as most proper for us, which the last general assembly had recommended to all the presbyteries, might be taken into consideration. I got in the Catechism, but no more. We passed this, both the Larger and the Shorter, as a part of uniformity; but we thought the Shorter too long, and too high for our common people and children, and so put it in Mr David Dickson's hands, to draw it shorter and clearer. Of this he was careful, and presented us with a draught before the end of the assembly, which truly was very good and exact; but yet so high and long, that it was recommitted to Mr John Livingston, who purposed to remit it to the ministry of Edinburgh.

We had three things more of great concernment to have passed, and might easily have concluded them all, had not our time been worse spent, the Directory of government, the Theorems against



Erastians, and the Psalms. The first, a very excellent and profitable piece, the fourth part of our uniformity, was shuffled by through the pertinacious opposition of Mr David Calderwood, and two or three with him. Four or five things we all agreed unto, except in that writ from our consent; but that which grieved Mr David was the matter of church-sessions, which he maintains to have no divine right in particular, but to be only as a committee from the presbytery, to execute those acts of jurisdiction which the presbytery thinks fit to commit thereto. Lest, in the end of the assembly, when many were gone, we should come to so grave a debate, or rather, lest at a time of our so great strife with the state, we should fall a jarring among ourselves, it was thought best to refer the whole writ to the next assembly. Upon the same grounds, the Theorems were also remitted. The Psalms were often revised, and sent to presbyteries. Had it not been for some who had more regard than needed to Mr Zachary Boyd's Psalter, I think they had passed through in the end of the assembly; but these also, with almost all the references from the former assemblies, were remitted to the next.

One session was spent in encouraging Mr David Calderwood to perfect his Church-history, and to consider Mr Andrew Ker for his good and great service to them. Both got a testimony of our favour, -800 lb. yearly for Mr David Calderwood, and 1000 lb. to Mr Andrew Ker, with a gratuity of 5,000 merks for by-gones, were appointed by the assembly to be paid to them out of the church's £500 Sterling pension; but we cannot, for any request, get one penny paid by the Treasurer, and have little hopes to get any more in haste.

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We were troubled with the opening of the mouths of deposed ministers. Poor Mr Patrick Hamilton, in the very nick when the assembly was to grant all his desires, was rejected by his own unhappiness. He had let fall out of his pocket a poem too invective against the church's proceedings. This, by mere accident, had come into the hands of Mr Mungo Law, who gave it to Mr James Guthrie, who read it in the face of the assembly, to Mr Patrick's confusion. Also when the assembly was to have at last, after three or four year's refusal, shown favour to your old colleague Mr James Row, Mr Patrick Gillespie, and his own cousins, did so far mar him, upon tacit surmises, as, I suspect of small importance, that it is like he shall never be permitted to preach; yet honest John Gillon got permission to preach, and for this I confess I was forward; for the man, though he want letters, is very pious and well-gifted, and strong against all sectaries. The preparative is not dangerous, for I believe few in an age will fall to be in his case; and if many should, I would grant them the like favour, though some misinterpret it.

The assembly spent divers sessions, for small purpose, upon transportations. These I love daily worse. The most are evidently packed businesses, little for the credit either for the transporters or transported. Mr John Livingston, refused to Glasgow, and designed for Ireland by the late assembly, though earnestly suited by my Lord of Airds, and much stuck to by my Lord Cassils, who, for his respect, had made a constant stipend for his church, most out of his own rent, though his parishioners had not been cited, yet was, at my Lord Lothian's suit, transported to Ancrum, where the benefice was great, and the way to Edinburgh short. D. Colvill, called by Edinburgh to the divinity profession, so willing to come as it became a wise and modest

man, his colleagues willing to dismiss him; yet the private respects of a very few, made him to be fixed to his station, which I regretted. Mr George Hutcheson, orderly appointed by his presbytery to go to Ayr, yet he liking better to go to Burntisland or Edinburgh, than to join with Mr William Adair, and Mr William absenting himself when the action came in, was appointed to abide in his place.

I think the disorder of transportations will not be got helped, till some honest men peremptorily refuse to obey, which, I think, at last, some will do; especially since the falling of so many places is referred to the commission of the kirk, with a power almost arbitrary, to neglect all the rules before appointed by general assemblies for transportations. We were fashed with Patrick Lesly of Aberdeen, His intemperate zeal for the levy had made him overhale. Mr Andrew Cant gave in a foul libel against him. He gave in another against the ministers. It cost a committee very much diligence to get this matter accommodated; for it was manifest that Mr Andrew Cant could hardly live in Aberdeen, if this man were enraged; so for the ministers cause he was much spared, and that matter packed up as it might be. Some men are born, if not to raise, yet continually to live in a fire. We had some debate in our committee about conventicles. Some of them we had heard of in Edinburgh, in the characters of sectaries. Mr Robert Knox got them in to my great contentment; for I found some too sparing of them; and yet I fear how far in their own time they may extend their duty of mutual edification. The whole two weeks following were spent on these things. The most were fashed for the moderator's want of dispatch, and too much sticking wilfully to his own sense.

Mr Robert Blair in the most, Mr Robert Ramsay in all, was of my mind. Mr Robert Douglas misliked some men's carriage. The assembly of divines wrote to us a general letter. To this, Mr R. Blair's answer was good and uncontroverted. The subscribing of the bond was much against all our minds; but an act was drawn up against it in my absence, which I much misliked; for it carried censure against the pressers of it. This directly aimed at our statesmen, the contrivers of it; but in the face of the assembly, I got it to be expounded only *ad futura*. Some of my neighbours before the assembly were so far in love with this subscription, that I was forced to write to them arguments against it, as you may see herewith. Though in some parts of the country the subscription go on, yet in the chief and most parts it is not required of any.—

—Our assembly drove on to the end of the fifth week. Many, dwelling far off and superexpended, slid away. I suspected the moderator drew long of purpose, waiting for a letter from the parliament of England, which came not. We hear now the House of Commons past a declaration to us; but the Lords consented not to it. I did not love to have any correspondence with them now, but others loved it too well. Another motion in our committee I loved not, a letter to be written to the King. It was fathered on Mr James Hamilton; and the drawing of it put on him, though no commissiour. I knew there would be a heavier load laid by us on his Majesty than was expedient to be meddled with; also that we should not express such a sense of his unjust sufferings as the world would expect; and so I was earnest to let all alone; but the moderator carried it: and though the draught of that letter came never to our committee, but at the first was taken in to the assembly, and some hours spent in the moderator's publick correcting



of it, yet the thing behoved to pass, and the wording of it to go to the commission. Many good overtures against the sins of the times did likewise pass. One of them I was feared for. It was, first, that all ministers conversing with malignants should be censured by presbyteries. This would have snared many; for the notion of the malignants now by the engagement, is extended to very many. I got it some way qualified, but not as it will be found needful.

That which some days in the end of the assembly troubled us, was, Mr Andrew Ramsay and Mr William Colvill's process. Mr Andrew had, in preaching, often fallen out in divers impertinencies, and contradiction to his brethren: he had been oft admonished; but the man's weakness and age, and divers who resorted to him, permitted him not much to amend. Not only he had spoken for the engagement; but in prejudice of our proceedings, and Presbyterian government itself. Much he denied; much was proven. He untimeously had fallen on an unhappy question, The magistrates power to remit blood. The general theses which he professed to maintain, "That the supreme magistrate, when the safety of the commonwealth does require, may dispense with the execution of justice against shedders of blood," many of us declined to meddle with; but the moderator gladly would have had the assembly determining the negative expressly, which was eschewed; only the man for his doctrine and carriage was suspended till the next assembly. Mr William Colvill was referred to us only for his silence about the engagement. The man was generally too busy to countenance and encourage our statesmen in their way, and the chief mover of Mr Ramsay to his course; however, he himself walked very cannily. I was indeed offended at his malapert carriage in the commission of the church, and for it, albeit it was not libelled, I consented to his suspension; but it was against my mind that Dr Baron should have been censured for mere silence; yet it was carried.

One or two of your friends in our presbytery had been, for their silence and ambiguity about the engagement, referred to the assembly, had I not diverted and got that evil kept off them; for had they come before us, possibly they had never come off.

We appointed visitations for universities and hospitals, and put on them the sharpest men we had. Likely Edinburgh will not submit to have either universities or hospitals visited, though they have most need; and I pressed their visitation before any other; since, as yet, they have ever declined it.

The commissioners for uniformity with England were continued without change; only Lauderdale, to my grief, was justly omitted. I was scarce resolved to have seen him; yet my Lady Wariston sent me to him, as trusting in his friendship for her husband's business. He told me, that, however, to his best knowledge, there was no design either on his place or person for the time; yet that he could not answer for what might be shortly, especially when in debate and discourse these things might escape him which might irritate them. The good Wariston, lest by his enemies, he might be brought in by violence, thought meet to retire to Kintyre, where, for the present, he passes his time with Argyle. Lauderdale continues kind to me, and regrets much the difference betwixt us; fears it become a fountain of great evils, either the overthrow of the design for the King against the sectaries, or the putting up of the malignant party so

high, that they will hardly be got ruled; at best the making of the government of the church, as we exercise it, to be abhorred by all in England and abroad, and intolerable to our own state at home. I find the Treasurer in the same mind; but both of them fast enough, for ought I can see, to our covenant and persons, except to one or two whom they esteem the prime causes of this difference. In Mr William Colvill's censure, Mr David Calderwood rashly had said, "he was the painfulest minister of Edinburgh." This the Moderator exaggerated so far, as some spoke of his removal for censure. The moderator before had taken him up for his impertinencies indeed; yet too roughly, and more, as I thought, than became. After this encounter, Mr David went home, and came no more to the assembly. At this I grieved; it may do harm.

The state, on the Friday before we rose, gave in a large paper of observations on our declaration. I take them to be Primrose their clerk's draught. We appointed the commission to sit and answer them. They are but poor ones. That same day we renewed the commission of the church. There is too great a change of the persons, and too great addition of men who never have been members of any assembly; also their power is too much enlarged, even to process all who oppose their orders, as well as of the general assembly. I find divers in the mind, that if once our army in England had got any sensible success, our state ~~are~~ resolved totally to suppress the commission of the church, as a judicatory not yet established by law; and it is feared they will trouble the persons of some of us; but the Lord's will be done. I think indeed the carriage of some is too high and peremptory; but if the state begin to trouble any of us with imprisonment, it will be a great ill of long and dangerous consequence.

On Saturday, August 12, we arose. In the morning I went away, desirous, after much toil, to be at home that night, unwilling to wait on the commission, to jangle more with the moderator. I was glad we had all ended in peace. The matter of this unhappy engagement I hope will not last, and so the ground of our difference with the state shall be removed. But new grounds of division may possibly arise, which may make our contentions greater.

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## THE GENERAL ASSEMBLY, AT EDINBURGH, 1649.

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THE mere perusal of the Acts of Assembly, 1648, supersedes the necessity of giving any particular description of its character. It approved of all the proceedings of its commission previous to its meeting, and superadded a great variety of declarations, warnings, and injunctions, couched in terms of defiance to the supreme authority of the State, by whose fiat alone it had its existence as an established church. It were a mere waste of time in this place to animadvert on these productions; but



in the perilous state to which the Estates of the realm had reduced the kingdom, these proceedings dislocated and paralyzed the nation to such a degree, that it almost immediately after became an easy prey to the democratic levellers of England; and, before another year elapsed, they began to reap the bitter fruits of their infatuation, exemplified in their declarations of independence and supremacy.

Before, however, introducing the reader to the Acts of the Assembly of 1649—the last which the Kirk was permitted in a united and recognised form to hold for the space of forty-one years thereafter—it is necessary to advert to the political and military movements, both in Scotland and England, which intervened.

Immediately after the Scottish Commissioners entered into the engagement at the Isle of Wight for the deliverance of the King and country from the thralldom in which they were held by the English army and parliament, the Scottish nobles and gentry exerted themselves, as may be fairly inferred from the conduct of the Estates in the summer of 1648, as already recorded, in order to ensure success to their designs. But, unhappily, the elements of jealousy and disunion, which had been fermenting during the ten preceding years, and more especially the active hostility of a great portion of the clergy to the engagement, rendered these exertions in a great measure abortive. The nation—that is, the leading men, (for the great body of the people were in a state of abject vassalage to their lords and the clergy,) were, in this emergency, divided into three parties. The first consisted of the clergy and a few of the nobles, who would listen to no proposition for the King's deliverance and restoration of the monarchy, except an unconditional submission, by him and all others, to the Solemn League and Covenant, and the Kirk as its administrators. Others were for liberating and restoring the King, without reference to ulterior arrangements. A third party were for combining that object with the maintenance of Presbytery and the Covenant in the mode adopted by the Estates in June, 1648. From among such heterogeneous materials, therefore, it was exceedingly difficult to create any one concentrated and united body such as should be able to rally and combine the energies of the kingdom in encountering the approaching struggle. Of the first class, Argyle may be regarded as the most prominent leader; and this party denounced the employment of any in the army, or in public office, who were not out-and-out for the League and Covenant. Of the second class were Traquair, Callender, and others, who again desired to include all who would promote the King's cause; while Hamilton and his brother Lanerick, Lauderdale, and others, were disposed themselves to subscribe the Covenant, trusting to future modifications of its rigours, provided this sacrifice of their personal sentiments were conducive to the safety and honour of the King, and a cordial co-operation against his adversaries. And to this latter line of policy the great

body of the gentry, and many of the clergy, were favourable; while Argyle's party strained every nerve to defeat the coalition of parties on that basis, and held them up as intent on overturning entirely their kirk polity, if the engagement should prosper.

Amidst manifold difficulties, of which a very lively picture is given in Lanerick's letters,\* and other documents of the time, the levies for the army in Scotland were much retarded during the summer of 1648, by the speeches and intrigues of the clerical party,† by the want of money, and by the tremours generally awakened under such conflicting influences; but an important addition was made by the recall of a part of the Scottish troops, who were stationed in Ireland, and had continued there for some years. Of that army, above 2,000 foot and 1200 horse returned to Scotland. There had been great difficulty, too, in fixing on a generalissimo. Lord Leven and his brother David Leslie were generally desired, as their names and experience gave them a preference; and, although the latter had acquiesced in the common wish on this point, he afterwards declined. After much chaffering, Hamilton, as the leading nobleman of Scotland, was named to the chief command, although he had not hitherto given any proofs of possessing that military genius which inspires an army with assured confidence in its commander.

In addition to other embarrassments, there were differences of opinion among the Scottish leaders as to the time of making an effective movement of the army. Hamilton and Lanerick were for delay till their opponents at home were somewhat curbed, and their friends in England ready to co-operate by simultaneous demonstrations. But this was deemed inexpedient, as some English troops, under Lambert, were already advancing to the north of England; and, finally, it was resolved that there should be a general rendezvous of the Scottish army at Annan, on the 4th of July, 1648, just on the eve of the meeting of the General Assembly, whose anathemas against the Engagement, and all concerned in it, were fulminated, during the space of a whole month, in the capital of the kingdom.

About this time, and before the army was fully mustered, Loudoun, by whom the engagement had hitherto been zealously promoted, seceded from the cause; whether chagrined by any oversight of his pretensions to high command, or some other mixed motive, has not been sufficiently explained: and even before the army was collected at its rendezvous, Middleton and Urrey had a skirmish at Mauchline, in Ayrshire, with about 2000 rustic ultra-Covenanters, who, under the influence of the clergy, had assembled, with arms, on pretext of celebrating a communion. They were soon, however, dispersed by Callender, the second in command under Hamilton—sixty of the insurgents, and five officers, with some ministers, being taken prisoners. The peasants and clergy were released; the officers were

\* Burnet, p. 341, *et seq.* † Turner's Memoirs, p. 53.



condemned to death by a council of war, but were pardoned by Callender.\*

At the day appointed, the army assembled; Colonel Lockhart having been previously stationed with some regiments of horse at Annan; Turner, with several regiments of infantry at Dumfries. Hamilton went from Edinburgh to Annan, accompanied by Callender, Middleton, and Baillie, with several regiments of horse and foot, and Turner joined them from Dumfries.

The army thus assembled is described as exceedingly ill appointed. Many of the regiments were not above half their regulated quota; not one in five of the infantry could handle pike or musket; and although the cavalry were the best mounted that had ever left Scotland, yet the troopers were raw and inexperienced, and there was not a single piece of artillery, while there was great want of ammunition, powder, and other necessities.† The march from Annan was precipitated ere yet the army was properly organized, in consequence of movements in England.

Without entering into particulars of the march into England, and the skirmishes which took place with the English forces under Lambert, to whom Langdale, an English loyalist, was opposed, previous to the advance of the Scottish army, it is sufficient to note that it reached Crofton Hall, where it remained above a week, and proceeded successively to Penrith, Appleby, and Kirby-thore in Cumberland, where, in consequence of the inclemency of weather, it remained three weeks. During this progress, it had the advantage, in various conflicts, with Lambert, who retreated before Hamilton's army. He waited for the rest of his forces, of which not above two-thirds had joined, and for the regiments from Ireland, under Monro, not yet arrived; and the whole amount of the Scottish army did not exceed 10,000 infantry and 4,000 cavalry.

The next movement was to Kendal, (where Monro saw Hamilton,) and thence to Hornby, where it was debated in council whether the further march should be to Yorkshire or Lancashire. The latter was preferred—and Langdale led the van. The main body of cavalry, advancing before the infantry for lack of forage, were commanded by Callender and Middleton, to Wigan, and the bulk of the army marched forward to Preston. On the 18th of August, (the day after the army was thus separated,) Callender got notice that Cromwell was about to form a junction with Lambert; and the day following, while the Scottish army and Langdale's auxiliaries were in this dislocated position, a general engagement took place, the particulars of which it is needless to describe; but the balance of success, after a desultory and gallant though decisive struggle, was in favour of Cromwell, who took advantage of the absence of Monro's corps, and the separation of the Scottish cavalry and infantry: in short, a retreat was resolved on—and, labouring

under numerous privations and hardships, amid unwonted floods of rain, the infantry, under Baillie, were obliged to capitulate to Cromwell—a mutiny arose among the troops—and, finally, at Utoxater, on the 25th of August, the broken remnant capitulated—surrendering their arms and munitions; the Duke, and all his officers and soldiers, having assurance of their lives, and of being treated honourably and with military courtesy. But before the articles of surrender were returned, the Duke had been taken prisoner by Gray of Grobie's corps, and was carried successively to Derby, Loughborough, Leicester, and Ashby de la Zouch, where he was kept a prisoner, from the 28th of August till the beginning of December, when he was carried to Windsor. And thus terminated this ill-concerted and fatal expedition in support of the Engagement.\*

This disastrous issue of the expedition into England, in which several thousands of the Scottish army were killed, taken prisoners, or perished of hardships by the inclemency of the season, was followed by an insurrection in Scotland, of the parties opposed to the engagement, who had been repressed by the overawing power of Hamilton's army previous to its defeat. Of the whole army that had crossed the Border, Monro's detachment alone remained entire. It had never, owing to the jealousies which so unhappily prevailed among the nobles and officers in command, been incorporated with the main army, but remained detached in Cumberland; and, after the Duke's defeat at Preston, Monro retired on Scotland, to which some fragments of the shattered army fought and found its way in a very broken condition. The rout of the expedition was received by what may most appropriately be called the Kirk party, with the highest exultation, and was hailed as an infallible token of the divine wrath against the engagement, and as a heaven-sent commemoration of the Covenant. Forthwith, on the earliest tidings reaching them, Loudoun, the chancellor, who had concerted and co-operated zealously in its promotion, but who had seen meet to desert it in time of need, and Eglinton, stirred up the people of the western counties; and the ministers speedily appeared in the field, leading up whole parishes with such arms as they could procure; and when these were wanting, pitchforks, scythes, and other such weapons were substituted. Loudoun issued the orders for these levies; Eglinton was their first commander; and Argyle made all haste to bring up his Highlanders to the Whigamore† host; for this was the

\* Burnet, p. 358, *et seq.* Rushworth, part iv., vol. ii., p. 1193-1242. Turner, p. 63.

† The party appellation of "Whigamores," or, briefly, "Whigs," had its origin at this period; and the insurrection referred to was called the "Whigamores' *Raid*" or incursion, that term being the common one for the predatory expeditions of the Borderers. This nickname being still preserved in the vocabulary of party, although there is truly none now existing that can be in any degree assimilated

\* Turner's Memoirs, p. 56.      † Burnet, p. 355.



occasion on which that distinctive appellation was used, of a party which still subsists, although in later times it has undergone prodigious transformations. Cassillis was one of those who had dissented in Parliament from the engagement and expedition, and he had some scruples at first about the lawfulness of this *raid*; but, ultimately, he joined some of the other western lords at Linlithgow, with his followers.

The defeat of the expedition, and the insurrection in the west, filled the Committee of Estates at Edinburgh with dismay and perplexity. Many of them were not very eager in the cause—all of them were anxious to save their estates from probable confiscation—and many were threatened by the ministers with excommunication. Under the influence, therefore, of terror, selfishness, and ghostly intimidation, their hearts sunk within them, more especially as the clergy threatened to call in the schismatic English army to their aid; and, after some hesitation, the greater number of them agreed to relinquish all attempts at resistance, and dispatched the Lairds of Lee and Humber to the western insurgents, then advanced as far as Hamil-

ton, on their way to the capital, with proposals for a cessation of arms, and to learn their demands with a view to a treaty. From the reproach of temporizing and cowardice, to which this committee was justly obnoxious, Lord Lanerick must be exempted. He strenuously urged fidelity to their engagement and the trust reposed in them; but all in vain; and, yielding to the torrent, he survived this manifestation of imbecility among his colleagues, to establish, on a future occasion, his claims to honour, to loyalty, and to patriotism, by perishing, sword in hand, on the battle-field, as his brother did on the scaffold—thus sealing, by the sacrifice of their fortunes and by their blood, their entire devotion to their King and country.

Monro, with his detachment, having, after the battle of Preston, marched towards the east coast, reached Berwick, where he received notice, from the Committee of Estates, of the insurrection in the west, and orders to join them at Colbrandspath; and these they issued after having resolved to abandon the engagement. He marched to Colbrandspath, but found not there the promised meeting; and after waiting a day or two, he received

to the original seat, it seems proper to explain how the distinction originated. Mr Laing, in his history, (vol. i., p. 381, 2d ed. 1804,) informs us that “the expedition was termed the *Whigamores’* inroad, from a word employed by these western peasants in driving horses; and the name transferred, in the succeeding reign, to the opponents of the court, is still preserved and cherished by the Whigs as the genuine descendants of the covenanting Scots.” And, in a foot-note, he adds—“According to others, from *whig* or *wey*, the customary food of those peasants.”

Sir Walter Scott, in his “Tales of a Grandfather,” (Prose Works, vol. xxiv.,) says:—“This insurrection was called the *Whigamores’* Raid, from the word *whig-whig*—that is, *get on, get on*, which is used by the western peasants in driving their horses—a name destined to become the distinction of a powerful party in British history.”

In Daniel Defoe’s “Memoirs of the Church of Scotland,” (printed 1717,) p. 173, speaking of the Covenanters, he says:—“This is the first time that the name of a *Whigg* was used in the world—I mean as applied to a man or to a party of men; and these were the original primitive *Whiggs*—the name for many years being given to no other people. The word is said to be taken from a mixed drink the poor men drank in their wanderings, composed of water and sour milk.”

And Bishop Burnet, who lived nearer to the time in which the nickname was invented, gives the following explanation of it in the “History of his own Times,” (p. 26, imperial ed. 1837):—“The south-west counties of Scotland have seldom corn enough to serve them round the year, and the northern parts producing more than they need, those in the west came in the summer to buy at Leith the stores that came from the north; and from a word *Whiggam*, used in driving their horses, all that drove were called *Whiggamors*; and, shorter, the *Whiggs*. Now, in that year, after the news came down of Duke Hamilton’s defeat, the Ministers animated their people to rise and march to Edinburgh; and they came up marching on the head of their parishes with an unheard-of fury, praying and preaching all the way as they came. The Marquis of Argyle and his party came and headed them, they being about 6,000. This was called the *Whiggamors’* inroad; and, ever after that, all that opposed the court came, in contempt, to be called *Whiggs*; and from Scotland the word was brought

into England, where it is now one of our unhappy terms of distinction.”

The following description of the Whigs, in some of their risings after the restoration of Charles II., is taken from a MS. copy of a doggerel poem, (by Cleland, it is thought,) which the editor presented some years ago to the Library of the Antiquarian Society of Edinburgh—

“It was in Januar or December,  
When I did see the outlaw Whigs  
Lye scattered up and down the riggs;  
Some had hoppers, some straw boots,  
Some uncovered leggs and coots;  
Some had halbards, some had durks,  
Some had crooked swords, like Turks;  
Some had slings, and some had flails,  
Knit with cel and oxen tails;  
Some had speares, some had pikes,  
Some had spades whieh delvit dykes;  
Some had guns with roustie ratchels,  
Some had firie peats for matches;  
Some had bows, but wanted arrows,  
Some had pistols without marrows;  
Some the coulter of a plough,  
Some syths had, men and horse to hough;  
And some with a Lochaber axe  
Resolved to give Dalziel his paiks;  
Some had cross-bows, some were slingers,  
Some had only knives and whingers;  
But most of all, (believe who lists,)  
Had nought to fight with but their fists:  
They had no colours to display;  
They wanted order and array;  
Their officers and motion-teachers  
Were verie few beside their preachers:  
Without horse, or artillzerie pieecs,  
They thought to imitate the Sweeces,  
When from Novarr they sallyed out,  
Tremoville and brave Trivulec to rout.  
For martial musique everie day  
They used oft to sing and pray,  
Which ehears them more, when danger comes,  
Than others’ trumpets and their drums.  
With such provision as they had,  
They were so stout, or else so madd,  
As to petition once again;  
And, if the issue proved vain,  
They were resolved, with one accord,  
To fight the battells of the Lord.”



fresh orders to advance to Haddington, where Lanerick, Crawford, and Glencairn met him with some troops that had escaped from the fight of Preston. On a muster of all the forces at Glads-muir, they were found to be about 3,000 horse and 2,000 infantry. By this time the whigamores had carried their raid as far as Edinburgh, whence the Committee of Estates had fled; and, when Monro's force had advanced to Musselburgh, they descried some hundreds of the whig troopers who had been sent to that neighbourhood to reconnoitre, but who retreated after losing a few prisoners taken at the bridge.

The whigamores were organized in and about Edinburgh, under old Leveu and David Leslie. Monro offered to drive them out, but the majority of the committee overruled this course; while, on the other hand, the ministers and insurgent lords urged an attack on Monro, which the experienced old soldiers in command resisted, as perilous with such raw levies; and, in the meantime, Lee and Humble were busied in negotiations betwixt the two parties, but without effect.

From Inveresk, the Committee of Estates, such as it was, under the protection of Monro's band, marched westward by the eastern acclivity of the Pentland Hills, Collington, Corstorphine, and so on towards Linlithgow—the object being to intercept some of the whig levies from the west under Cassillis, Kirkcudbright, and Argyle, and ultimately to establish themselves in Stirling, as a central rallying point suitable for maintaining their army and receiving auxiliaries from the northern shires, not yet compromised or overborne by whig ascendancy. Cassillis, with some hundred horse, was almost surprised by Monro's advance, but, in the darkness of the night, escaped by Borrowstounness, and afterwards through Queensferry to Edinburgh. David Leslie followed in Monro's rear, but did not venture an attack; and Monro would willingly have turned upon him, but was anxious to push on to Stirling. At Larbert, he learned that Argyle, with a troop of horse and a thousand foot, was in the town of Stirling, with a committee of his party, endeavouring, by treaty, to get possession of the castle, which was garrisoned by the King's troops; and, as the port of the town was shut and manned, he was obliged to go round the castle, in order to secure the bridge, and prevent Argyle's retreat before he could reach him. On Monro's advance, the royal standard was hoisted, and the guns from the castle began to play on some of Argyle's party who were retiring amongst it; but Monro, with a few of his men advancing, and the rest following rapidly, about a hundred were either killed or drowned in the river, and betwixt eight and nine hundred taken prisoners; Argyle himself, as was his wont, making his escape.

The Committee of Estates at Stirling, on this success, issued orders for raising all the fencible men in the northern shires; and Lauerick went to Perthshire to unite the nobility and gentry there; but very speedily the divisions and sinister objects

of the leading men, which have so often proved ruinous to Scotland, did their work; and the craven and slippery members of the committee began to listen to propositions from the whig leaders and clergy. Distraction of councils neutralized effectually all opposition to the treacherous machinations of Argyle and his associates. That nobleman, mortified and excited by his late defeat at Stirling, having joined the whigamores in Edinburgh after his escape, prompted measures equally vindictive and treacherous to his native country; and, with the sanction of his allies, he, Lord Elcho, and two other commissioners, went to Berwick with an invitation to Cromwell to join "the honest party" (as they called themselves) at Edinburgh with his army—an invitation which, it is no ways surprising, was most cordially accepted. In these circumstances, and pending the progress of the negotiations betwixt the leaders on both sides. Monro and his officers saw the necessity of negotiating for their own safety, and (18th September) sent articles to the whig headquarters at Edinburgh, which ended in a treaty that the Irish troops should be allowed to have free passage to Ireland; that none should be questioned for what was past, but that all who had been in the Engagement should lay down their offices and places of trust, and not be allowed to sit in any judicatory; and that all public matters should be referred to the determination of the Parliament and General Assembly. And thus was dissolved and dissipated the last show of lawful authority in the Committee of Estates, and the last fragment of the host which went forth under the warrant of the Scottish Parliament for maintaining the ancient monarchy of the country in the person of King Charles I., and for vindicating the independence of that parliament and the kingdom.

The bad faith of the whigs was fully illustrated in a very brief time; for, instead of abiding by this treaty, the troops, who separated in reliance on it, were no sooner dispersed than it was violated. Those of them who were to go to Ireland were attacked on their march betwixt Glasgow and Ayr, and plundered, abused, and scattered; and within a very few days, a proclamation was issued at Edinburgh, commanding all persons who had been in the army in support of the "unlawful Engagement," (an enterprise undertaken under the authority, be it remembered, of the King and Parliament,) to remove at least twelve miles from town, under pain of imprisonment, Cromwell being on his way thither.

Having thus possessed themselves of power, the whig leaders constituted themselves into a Committee of Estates, without the shadow of any legitimate warrant. Some of them had indeed been named on the committee, but being protesters against the Engagement, it was with an express proviso that they should not be capable of acting until they owned the Resolutions and Declarations of Parliament. Disregarding this condition, however, these insurgent leaders arrogated to them-



selves the supreme authority, pretending they were appointed by that very act of the States which actually debarred them; and, as the best proof that could be adduced of the principles by which they were governed, we insert, among the annexed documents, the instructions given to their commissioners sent to the English Parliament.\*

From that humiliating record of national prostration we are constrained to turn and advert to some of its accompaniments.

On the 22d of September, "the Marquiss of Argyle, the Lord Eleoe, Sir John Scot, and others, came as Commissioners from the honest party in Scotland to the Lord of Mordington's house at Mordington, to the Lieutenant-General's [Cromwell's] quarters, two miles from Berwick, within Scotland." "The Lords day, Argyle sent in to desire the Governor himself to come forth," the town being still held by a Scottish garrison; "and the Lords day, at night, Colonel Pride possessed himself of Tweedmouth;" and, next morning, tidings reached Mordington that treaties were in progress for disbanding all the Scottish armies—that Argyle had taken 10,000 arms which had arrived from Denmark for the Duke of Hamilton—and that the "honest party" in Scotland had coalesced completely with the "godly party" of England, whom hitherto they had abhorred as heretics and schismatics. On the 2d of October, Cromwell writes that Berwick and Carlisle were delivered up to him; and the terms of compromise agreed on betwixt him and the Scottish deputies, stand on record: that all the Scottish armies should be disbanded—that the affairs of religion in the three kingdoms should be settled by the General Assembly—all civil questions by a Parliament in January following—and that from that Parliament should be excluded every man who had been necessary to the late engagement; and, moreover, that though life and property should be spared from forfeiture, this should only be to those who, before the 10th of October, accepted and submitted to that agreement.† Cromwell was met by Lord Kirkeudbright and General Holburn at Seaton, (his headquarters,) as a deputation from the Committee of Estates. They accompanied him to Edinburgh, where he was lodged in the Earl of Moray's house in the Canongate, and a guard of honour appointed to protect him. Loudoun, Leven, Argyle, Cassillis, Burley, General David Leslie, and Wariston, paid him homage, when he "did demand that, to prevent the reviving or re-inforcement of their late Engagement and invasion, none that had been in action therein, or necessary thereto, might henceforward be employed in any public place of trust whatsoever." Two days after, "the same persons brought back from the Committee of Estates a very satisfactory answer, giving assurance, in name of the kingdom of Scotland, that accordingly none should be employed, with this addition only

—without the consent of the kingdom of England—which the honest party thought to be the surest lay and bar against the malignants creeping in any more. Several select ministers also came from the Commissioners of the Kirk, both to congratulate and discuss for mutual satisfaction."—"The Lord Provost, and several eminent citizens performed a visit also, and old Sir William Dick, in the name of the rest, made a great oration."—"Our entertainment, during our abode at Edinburgh, was taken care of and defrayed by the Lord Provost, by order of the Committee of Estates; and, when we were about to come away, [11th October,] several coaches were sent to bring up the Lieut.-General Leven, Sir Arthur Haselrig and the rest of the officers to Edinburgh Castle, where was provided a very sumptuous banquet—the Lord General Leven, the Lord Marquiss of Argyle, and divers other Lords being present to grace the entertainment. At our departure, many pieces of ordinance, and a volley of small shot, was given us from the castle, and we conveyed by some Lords without the city, where we parted."\*\*

These particulars are sufficient for exemplifying the state of national degradation to which Scotland was thus reduced, when some of the proudest of her nobles thus bowed the knee to a hypocritical alien and dictator, and when the champions of Covenanted Presbytery offered up incense to the leader of that band of armed schismatics against whom they had fiercely and often fulminated all the thunders of reprobation. We make no comments, but have stated the facts from the most unquestionable authority, to which we now make reference. Thus did Scotland prostitute the motto and emblem of her national independence, and cast away her sword and her shield of defence.

In the foregoing narrative, it has been our endeavour, for the sake of distinctness, to confine it almost exclusively to the transactions in Scotland; but the affairs of the two kingdoms were at that time so much interwoven, that it is necessary also to take a cursory glance at the more remarkable occurrences in England during the period to which our attention is confined, inasmuch as these had a most important bearing and effect on the kingdom and church of Scotland. We must, therefore, revert to the position of England at and subsequently to the month of July, 1643.

Simultaneously with the progress of the engagement in Scotland, and indeed prematurely and before the Estates of Scotland had fully matured their plans and organized their army, a great variety of insurrections arose in England, adverse to the despotism of the parliament, which was but the slave of the army. The first who declared themselves, were three Presbyterian officers in Wales—Langhorne, Poyer, and Powel—who commanded troops in Wales. In Kent, the Earl of Norwich headed another muster; while in Essex, Lord

\* Vide Documents.

† Rushworth, part iv., vol. ii., p. 1282-1289.

\* Rushworth, part iv., vol. ii., p. 1295.



Capel and others; Lord Holland in Surrey; Langdale and Musgrave were in arms at Berwick and Carlisle; and Maurice seized Pontefract Castle in Yorkshire. And, to add to the embarrassments of the ruling power, the crews of seventeen ships of war, stationed in the mouth of the Thames, declared for the King. Having turned the Admiral ashore, they proceeded to Holland, where they put themselves under command of the Prince, (afterwards Charles II. ;) and, subsequently, appeared on the coast of England, to aid in the general movement. Undismayed, however, by these threatening appearances, the cabal of statesmen and soldiers, who had already triumphed over powerful armies commanded by the King and many able officers, prepared for a vigorous struggle. The Parliamentary army, being an establishment of 26,000 men, was speedily recruited to double the number, and, ere long, distributed in the quarters where danger was most imminent. Colonel Horton, followed by Cromwell, attacked and defeated the royalists in Wales; Lambert was opposed to Langdale and Musgrave in the north; Livesey defeated Hollaud and took him prisoner; and Fairfax gained advantages in Essex; the parliamentary army thus baffling their antagonists at all points, and meeting with a greater or less degree of success.

The army being thus withdrawn from the metropolis and its vicinity, the Parliament was freed from the pressure by which it had been borne down, and resumed something of its wonted energy. Those who had been ejected at the instigation of the army, or had fled from its menaces, returned and restored the ascendancy of the Presbyterian party; and various votes, by which members had been expelled and addresses to the King prohibited, were rescinded—all of which terminated in a new deputation of Lords and Commons to negotiate of new with the King, at Newport, in the Isle of Wight. This negotiation was opened on the 18th of September, 1648, when his Majesty's altered appearance, under the pressure of his misfortunes and captivity, touched the feelings of his visitors. It is needless to recapitulate the topics of negotiation, which were merely a repetition of those that have already been so often stated; but, in rigorous bondage—under the control of a power which he could not resist—he virtually yielded up to the demands of a usurping Parliament all the prerogatives of the monarchy; yet he would not consent that those who had fought and suffered in his service should be delivered up to merciless vengeance, nor would he renounce his religious faith.

We have read many solemn homilies on the insincerity evinced by Charles I. in this and other treaties with the English Parliament, and his name has been often blackened, because, while engaged in those treaties, his friends rose in arms in his cause, and he contemplated an escape from the hands of his oppressors. These, with all deference to high names, appear to be a mere waste of words and of affected morality.

In the first place, none of the treaties, so far as we can discover, ever were fully completed by the entire acquiescence of all parties pretending to have a concern in the matter; and his Majesty's concessions, however lavish, were, ever and anon, declared "unsatisfactory;" so that a treaty, not completed, could not be deemed binding in diplomacy or in morality. Besides, it is a maxim, we believe, in the law of nations, that any obligation extorted from an individual in duress, *vi et metu*, is essentially null; and we humbly venture to regard the Long Parliament of England, during the greater part of its career, and more particularly at the time to which we now refer, as a mere horde of rebels, having no higher sanction in the law and constitution of the kingdom of England than any gang of banditti, who, having overmastered a solitary and defenceless traveller, and immured him in their den, dictate to him such terms of release from their grasp as cupidity or caprice may suggest. As a preliminary to the dogmatic condemnation which has so long and so liberally been bestowed on the name and memory of Charles, it is necessary that the legality of the pretended Parliament, which gained power over his person—that the seizure of it by the soldiery—that the retention of it by the Parliament—shall be clearly demonstrated; for, until that be done, the inculcation of the King in his negotiations with it, and the assumed legitimacy of the parliamentary proceedings, is nothing better than mere assumption and the advocacy of brute force, as the only criterion of truth and justice. This doctrine may not be very palatable to some tastes; but we cannot consent, in deference to such moralists, to stifle the honest convictions of our own mind, in reference to a great question in the constitutional history and principles of the British monarchy.

The various insurrections, during the autumn of 1648, were defeated both in England and Scotland, and a temporary but tyrannous repose restored under the domination of the "honest" Parliament in England, and the equally "honest" Committee of Estates in Scotland; while multitudes of prisoners of both nations were shipped off in exile, and confiscations were too numerous to admit of detail, the despotism which prevailed under the sway of those popular potentates being more cruel than was ever experienced in Britain at any period of its history. A great part of the army, not required for garrisons and keeping the provinces in awe, had now returned to the neighbourhood of London, and began to shew symptoms of resuming its sway over the councils in the metropolis. So early as the 11th of September, a petition from some thousands of "well-affected" persons in London was presented to the Commons, setting forth no fewer than twenty-seven heads of reform, and craving "that they would make good the supream [power] of the people from all pretences of negative voices either in the King or Lords;" "that they would make laws for election of representatives yearly, and, of



course, without writ or summons ;" that they would "have removed the tedious burthen of tithes," and a great many other things of the same sort. This petition, however, was laid aside with a soft answer.

It was not, however, until the army began to reassemble at St Albans, (Fairfax's headquarters,) in October, that this movement assumed a more formidable aspect. On the 30th of that month, an incendiary petition\* was reported to have been presented to the General by the officers of Ingolby's regiment, then stationed at Oxford, which craved that "justice be done upon the principal Invaders of our Liberties, namely, the King and his party ;" and, after various meetings and consultations of the general council of officers, a letter from Fairfax to the Speaker, and relative remonstrance, were communicated to the house on the 20th of November, to the effect that "Parliament hath abundant cause to lay aside any further proceeding in this treaty, [which was still pending,] and to return to their votes of non-addresses, and settle with or against the King that he may come no more to government ;" "that they proceed against the King in way of Justice ;" "that the King be brought to justice as the capital cause of all," &c. This letter and remonstrance are of such a nature, that it is fitting to give them as they are to be found in Rushworth.† This singular remonstrance not only proposed a trial of the King, but craved that the monarchy should be reudered elective, and that the whole power of the State, legislative and executive, should henceforward be vested in a democratic House of Commons, to be annually or biennially chosen by the people. It was not communicated to the Lords.

It is difficult to trace the proposition for bringing the King to trial to its first source. Some historians have ascribed it to Ireton. It has been said that it was first mooted in a military council at Windsor ; and further, to have been concerted betwixt Cromwell and Argyle, while the former was on the Borders, and on his visit to Edinburgh. There is probably some truth in all these statements ; for, when we reflect on the progress of insubordination and the usurping spirit displayed in the Parliament and army, we can be at no loss to account for the disorganizing and levelling principles which were thus widely scattered abroad and familiarized to the national mind. The letter and remonstrance, now referred to, occupied some hours in the reading, and the debates thereon were very high ; but, at last, it was ordered to be further considered on Monday following. And now, as we shall immediately see, the downward course of revolution proceeded with an accelerated velocity. In reference to the last treaty, it may be proper to note that, on the 25th of November, it was regarded as broken up by reason of the King having given his ultimate answer that he would not consent to the proposals of the Commissioners for utterly

abolishing Episcopacy, the spoliation of the Bishops' lands, and respecting Ireland. His Majesty was, in consequence, strictly guarded at Newport, and the headquarters of the army removed to Windsor.\*

On the 27th of November, letters were, by the Commons, received from the headquarters of the army, stating "that the officers have had serious counsels, and yesterday spent wholly in prayer, how to effect what they desire in the remonstrance ; they are unanimous and resolute in hasting what possible to bring delinquents to punishment, and settle the kingdom in peace, with what necessary laws are wanting for benefit and ease of the subject," &c. ; and, at the same time, letters from Cromwell at Knottingsly, transmitted demands from the officers of the regiments under his command to have "impartial justice done upon offenders," in which, said he, "I do in all, from my heart, concur with them." On the 30th a letter came from headquarters, intimating that, upon a very full council, a declaration was agreed to in further prosecution of the ends of their late remonstrance ; and that they had resolved to march the army up to London ; and that declaration intimated very unceremoniously that it was a treacherous and corrupt neglect of public trust in the Commons to lay their remonstrance aside—that the Parliament was incompetent to judge of this breach of trust—that they appealed from Parliament to the "extraordinary judgment of God for obtaining a more orderly judicature"—that they should rejoice if the majority of the Commons were sensible of the evil of their late way, and "that the honest members would, by protestation, acquit themselves, and withdraw from the rest."†

These threats were speedily carried into effect. On the previous day a detachment of troops had gone to the Isle of Wight, and having entered the King's bedchamber ere break of day, and before he had risen, they seized on his person, forcing him, in the most violent and discourteous manner, from the custody of those whom the Parliament had intrusted with the charge of him. His Majesty was thence carried to Hurst Castle, on the opposite coast. On December 1st, Fairfax wrote to the Lord Mayor that the army was about to advance on London, and demanded £40,000 of arrears. The same day the House of Commons declared the King's concessions "unsatisfactory," but postponed further debate ; and the General's letter to the city having been brought before the house, it ordered the city to pay the money, but desired a letter to the General, that it was the pleasure of the house that his excellency remove the army no nearer London. The pleasure of the house, however, was now of small avail. The debate was resumed on the 2d and 4th ; on the latter of which occasions, intelligence was received from the officers who had charge of the King, that his Majesty had been carried off to Hurst Castle by a party of military acting under instructions of the General and Council of War.

\* Rushworth, part iv., vol. ii., p. 1311.

† Vide Documents.

\* Rushworth, part iv., vol. ii., p. 1338.

† Ibid. p. 1338-1343.



On this it was voted, that the seizing and carrying off of the King was without the advice or consent of the house;\* and, after sitting all night, they came to the conclusion (December 5th) "that his Majesty's concessions to the propositions of Parliament upon the treaty are sufficient grounds for settling the peace of the kingdom:"† a resolution to which they were not permitted long to adhere, a considerable part of the army having entered London while this debate was going on. Nor did they long continue inactive; for, next morning, two regiments were set as a guard on the Parliament, the city bands discharged, and forty-one members were seized on their way to the house, and kept in custody, by special order from the General and council of the army—a proceeding which has since become a familiar phrase, as "Colonel Pride's purge." The house being informed of this, sent their sergeant-at-arms to summon the attendance of the imprisoned members; but the sergeant brought a message from the captain of the guard, that he kept them in custody by order of his superior officers, which he was to obey before any other command; and that he could not, therefore, dismiss his prisoners till he had other orders to the contrary.‡ In the course of the same day, some officers of the army presented the proposals and desires of the army, which were in substance, that Hollis, Coply, Massey, and others, to the number of ninety, who had voted that the parties concerned in the late engagement were not public enemies, should be brought to justice or excluded the house. They also demanded abrogation of certain proceedings of the house, such as agreeing to treat with the King, and declaring his concessions to be a good ground for making peace; and craved that those only who by protestation should quit themselves of these proceedings, should be allowed to remain in the house, &c.§

On the 7th, Cromwell came to the house, and received its thanks for his services; and, that day, several other members were prevented by the guard from entering the house, which, in a state of terror, broke up, after agreeing to hold a humiliation and fast in the house next day, and to discuss the army's proposals on the 9th. Notwithstanding the prayerful proceedings in the house on the 8th, the General marched two regiments of foot and several troops of cavalry into the city, (the bulk of the army being stationed in the suburbs,) and secured the treasuries of several incorporations, from one of which £20,000 were taken. On the day following the proposed debate dropped *sub silentio*; and nothing was done save listening to communications from the city and General about cash; but, for further security, another regiment of dragoons was quartered in the city. And thus the city, suburbs, and precincts of Parliament, continued in military occupation, neither of the houses sitting till Tuesday

the 12th of December. In the meanwhile, however, the General and Council concocted, on the Monday, what may be termed a "Reform Bill"—embracing various propositions for an equal representation—for the dissolution of the existing Parliament—relating to the qualification of members; and, on the whole, presenting a model not very dissimilar to the codes of our more modern Radicals and Chartists.\*

On the 12th of December, both houses met. In the Commons, a vote of 3d January, 1647, by which Hollis and ten other members, previously excluded, had been rescinded, was declared null; and another vote of 30th June, 1648, concurring with the Lords for opening a treaty with the King, was declared highly dishonourable to the proceedings of Parliament, and nullified. The Sheriff of London, and six other persons, were apprehended by the army, and imprisoned in St James'; and the house and army vied with each other in renouncing all the acts which they had recently passed for effecting a settlement of affairs in the kingdom.† Next day, the Commons reconsidered these resolutions, and fully adopted them; declaring that no further communications should be made to or received from the King; and that whosoever contravened these ordinances should be guilty of high treason.‡

From this time forward the whole affairs of England may be regarded as being entirely under a military government. From all quarters, where portions of the army were stationed, declarations of adherence to the remonstrance were poured in. The General and Council issued proclamations for freedom of trade; and the Parliament—an obedient tool in the hands of the soldiery—complied with all that was dictated to them. Of the secluded members, sixteen were liberated from confinement. The new navy, under the Earl of Warwick's command, concurred with the army, in the council at which all matters of civil and ecclesiastical concernment were discussed and decided on as they thought fit: in short, the nation groaned under a military despotism.

The King was taken from Hurst Castle to Windsor on the 23d of December; and, on the 25th, a committee of the Commons was appointed to consider in what manner proceedings should be held against him; petitions from Norfolk and elsewhere pouring in with clamorous demands that he and all others aiding and abetting him "in shedding blood, may, without further delay, be brought to due and impartial justice." The Council of War, on the 27th, gave an order that all ceremonies to the King be left off—his attendants to be fewer, and at less expense; and, the day after, the committee appointed to consider of the charge against the King, and the manner of his trial, reported an ordinance for attainting him of high treason, and for trying him by such commissioners as should be nominated in the body of the said ordinance. On Friday the

\* Rushworth, part iv., vol. ii., p. 1350-1351.

† Ibid. p. 1352. ‡ Ibid. p. 1353. § Ibid. p. 1354.

\* Rushworth, part iv., vol. ii., p. 1358-61.

† Ibid. p. 1361.

‡ Ibid. p. 1362.



ordinance was committed; and, on the 1st of January, 1649, the Commons passed an act nominating 150 commissioners and judges for the hearing, trying, and adjudging the said Charles Stuart for the treasons imputed to him.\*

On the 2d of January, the ordinance for trial of the King was, by message, brought up to the Lords, who demurred to it, and evaded an immediate answer by saying that they would send it by their own messenger, and adjourned for ten days. A deputation of the Commons was, however, sent (3d January) to examine the Lords' journals, and reported thence "that their Lordships do not concur to the declaration; and that their Lordships rejected the ordinance for the trial of the King;" and, after adjusting the names of the commissioners, by excluding the peers who had been named, and substituting others, and resolving that the ordinance for trial should be in name of the Commons only, they, on the 4th, passed the following resolutions:—

"*Resolved*, That the Commons of England assembled in Parliament do declare that the people under God are the original of all just powers.

"They do likewise declare, that the Commons of England assembled in Parliament being chosen by, and representing the people, have the supreme authority of this nation.

"They do likewise declare, that whatsoever is enacted and declared law by the Commons of England, assembled in Parliament, hath the force of law; and all the people of this nation are included thereby, although the consent and concurrence of the King and the House of Peers be not had thereunto.

"These being reported to the House, the House put them, one after another, to the question, and there was not one negative voice to any one of them. Then an ordinance for trial of Charles Stuart was again read and assented unto, and ordered to be forthwith engrossed in Parchment, and to be brought in to-morrow morning."†

And here, for the present, we pause in our narrative of proceedings in England, that we may recur to those in the Parliament of Scotland, which met at Edinburgh the same day that the Commons of England had adopted these resolutions. We have entered more particularly into the foregoing statements, which are drawn from the journals of the Parliament itself, because, without tracing the entire progress of events in their due order, it is impossible to form any just conception of the real facts from the general histories which treat of that period, and because it is desirable to exhibit in their true colours the outrageous nature of proceedings by which a self-constituted and lawless oligarchy, by palpable and daring acts of usurpation, overturned the constitution of their country, and established in its stead a wild, democratic, and military despotism.

The Whigamore Parliament met on the 4th of January, 1649. By the act of the preceding ses-

sion, in June of the previous year, it was "continued" till March, 1650; but, by the same act, the committee then named were authorized to call a meeting of the whole Estates at an early period, if they deemed that expedient. As already indicated, a change had "come o'er the spirit of their dream;" and that committee having been completely transformed since it was originally constituted, all those who had been engaged in carrying the engagement into effect, as appointed in the former session, were now proscribed, and excluded from this renovated convention.\* It consisted, therefore, entirely of those who either protested against the Engagement, or of those who apostatized from their former decisions; and Loudoun, whose tergiversation during the interval had been so conspicuous, was chosen President—having previously performed penance, and professed repentance in the High Kirk, to the great delight of the clergy. At the opening of this session, a fast was appointed for the great sins and provocations of the land, to be performed in the Parliament House—the Solemn League and Covenant to be renewed; and letters from the Commissioners in London were laid before the house, giving information of all the recent proceedings in London, of which we have already given a detail.†

One of the earliest acts of this Parliament, (11th January,) was to ratify the acts of the whigamore committee, in September and October, and the exclusion of "all such as have been employed in public place and trust, and have been accessory to the late unlawful Engagement;"‡ and they were also summoned to appear before the Parliament, to hear and see it take such course as it should think fit for purging of the judicatories, declaring their places vacant, and filling these with others. Another act was soon after passed, (16th January,) "repealing all Acts of Parliament or Committee made for the late unlawful ingagement, and ratifying the protestation and opposition against the same;"§ and thus the entire proceedings of the former session were completely reversed and rescinded. The insurrection of Mauchlin Muir was also highly approved of, by an enactment to that effect; and, further, letters were received of the transactions in London from the Commissioners there. On the 18th, an answer was given to the "Testimony communicated unto them by the Commissioners of the General Assembly, and their concurrence with the same," in reference to the "seasonable testimony against toleration, and the present proceedings of sectaries and their abettors in England;"|| intimating their non-concurrence in the proceedings by the Commons against the King's person. Next, on the 23d of the same month,¶ came another act, "for purging the judicatories and other places of public trust," by which a clean sweep was made of all who had been participant in the Engagement. And, to crown all the

\* Rushworth, part iv., vol. ii., p. 1392.

† Acts, vol. vi., p. 337.

‡ Ibid. p. 339.

§ Ibid. p. 341.

¶ Ibid. p. 349–50.

§ Ibid. p. 341.

¶ Ibid. p. 352–6.

\* Rushworth, part iv., vol. ii., p. 1376–80.  
Ibid. p. 1382–83.



enormities of their career, they at this time passed an act against witchcraft, on the 1st of February, ordaining, that "whatsoever person or persons shall consult with devils or familiar spirits, shall be punished with death."\* These, and some earnest remonstrances which appear to have been made, through the Commissioners in London, against taking away the life of the King, were the chief acts of the first Whigamore Parliament up to the time of the execution of the King. To the particulars of that tragical event, therefore, we shall now briefly advert.

On the 6th of January, 1649, the ordinance of the Commons for the King's trial was brought in, fairly engrossed on parchment. On the 9th, the House of Lords met, and had a debate as to the publication of the grounds on which they rejected the commission for trying the King; and, the same day, proclamation was made in Westminster Hall, at the Old Exchange, and Cheapside, desiring all persons who had aught to charge against his Majesty to give in their statements to the Commissioners next day in Westminster Hall; and all "delinquents or ill-affected persons were ordered, by a military proclamation, to depart ten miles from London; these being all who had served the King during the course of the civil war. Next day, accordingly, the Commission met, and appointed Bradshaw, a lawyer, to be their president; and directed Steel as attorney, and Cooke as solicitor-general, to draw up and manage the charge against the King." On the 13th, the "High Court of Justice" (as it was designated) agreed that the trial should be held in Westminster Hall, and that for that end the King should be removed from Windsor and brought up to London on Monday following. On Monday, the Commons received a stimulating petition from the Corporation of London, which was approved of. The commission for trial ordered the charge for trial to be abbreviated by a committee of themselves, and to examine the evidence, (thereby still further prostituting the judicial character;) and another impudent declaration was sent from the Council of the Army to the Commons, who appear in the whole of this infamous business as the abject slaves of the soldiery.

A few days after, (18th January,) "the Commons having formerly declared that the supreme power of England is vested only in the people and their representatives, and therefore voted that all committees, which before consisted of Lords and Commons, should have power to act to all intents and purposes, though the Lords join not therein;" and, the same day, adopted another contumelious vote in reference to the Peers. On the 19th the King was brought to St James', and the Court heard the proof (in absence of the accused) to the several articles of impeachment against his Majesty. The act of the Commons being read, all the Commissioners who were present rose on their names

being called; this ceremony being interrupted by Lady Fairfax, the general's wife, who was in a window of the house, speaking aloud to the Court then sitting, "that her husband, the Lord Fairfax, was not there in person, nor ever would sit among them, and therefore they did him wrong to name him as a sitting Commissioner." This little incident, like many others in the history of great commotions, indicates the high and generous qualities of the female character, which often shine forth to shame the virtue and the courage of manhood.

The first part of the trial was enacted on the 20th of January. At this and the subsequent sederunts of the court, the proceedings were of the most outrageous nature. The details are too tedious to be embodied in these sketches, nor shall we attempt by compression to adapt them to our pages in this place; yet they were of such a character, that, if we had not an authentic report of them in the honest pages of Rushworth, the disgusting features of that mockery of judicial procedure could scarcely be imagined or credited in these latter days. We shall, therefore, give the entire trial (which is very short) among our supplemental documents. The result of the whole was, that, on the 27th of January, the Court pronounced its sentence, which was, that the King had been guilty of high treason, and "that the said Charles Stuart, as a tyrant, traitor, murderer, and public enemy to the good people of this nation, shall be put to death by severing his head from his body."\*

Before passing on to the last sad scene of this tragedy, we must be forgiven for marking a few of the characteristics of the till then unheard-of proceedings which were thus wound up. We need not recapitulate the objections which present themselves to every mind with regard to the unlawful nature of the whole course of the House of Commons in this matter. Without a lawful constitution in itself, according to any view of a free and full Parliament—usurping flagrantly all the prerogatives of the monarchy, and all the powers and privileges vested in the House of Peers—its composition vitiated by the exclusion of a large portion of its members—surrounded by and influenced by a military force, and vulgar external pressure—it nevertheless arrogated to itself all the functions, both executive and legislative, of all the constitutional powers of the State—it arbitrarily appointed a commission to try capitally the Sovereign of the kingdom, and the Sovereign too of another kingdom, for endeavouring to suppress rebellion; and it constituted a tribunal utterly unknown to the usages and laws of the land, and to which it could not impart any legitimate authority. That tribunal, in its proceedings, could not be surpassed in judicial iniquity by anything ever imputed to the Inquisition. The members of it were disqualified from acting either as judges or jurors by every iniquity that infers disqualification. They had prejudged the ac-

\* Acts, vol. vi., p. 359-60.

\* Vide Documents.



cused—they assisted in concocting the charges—they refused even to hear objections to their jurisdiction—they took evidence in absence of the King, and neither allowed him proof in exculpation, nor to be heard in his own defence; and, finally, with all these multiplied abominations on their souls, they doomed their anointed King to die the death of a traitor, in defiance of every principle of enlightened jurisprudence, and in violation of all the dictates of universal justice, wherever its purity is known and revered.

On the sentence of this creature of democratic despotism, a warrant for execution was issued on the 29th; and, on the 30th of January, 1649, Charles I. was beheaded in front of Whitehall—sustaining, with native elevation of character, and amidst studied insults and indignities, all the majesty of a monarch, and all the piety and heroic fortitude of a Christian martyr. The deed was one of the foulest, most deliberate, and diabolical murders that ever disgraced the records of human nature, and will ever remain an indelible stigma on the national character.\*

We forbear from obtruding on our readers any lengthened strictures on the character of Charles, which has so often afforded a theme both for eulogy and censure; yet when turning, with sickness of heart, from contemplating the unutterable iniquities which ended in his murder, we cannot entirely refrain from exercising the privilege of our vocation, and expressing our dissent from the uncharitable constructions which have been put on his conduct. The most general imputation against him is, that he stretched the royal prerogative so as to trench on the liberties of the subject, in things both sacred and secular. But it should ever be remembered that, in this particular, he only exerted the power which he inherited with his Crown, in the law and usages of the constitution; and that even with reference to the most exceptionable point perhaps in his policy—that relating to the enforcement of Episcopacy in Scotland—he introduced no innovation, but merely urged the observance of laws which stood on the statute-book, and had been acquiesced in by a great majority of the clergy, nobility, and gentry, as well as the people, for the long period of thirty years. Even in this matter, the more rigorous enforcement and extension of the existing law may find some palliation, when it is taken into view that in this he only followed out his own principles; from which, amid all his misfortunes, he never swerved; and, besides, when the national mind was at length fully evidenced, he gave the Presbyterian Church the fullest sanction, and never after, so far as we have seen any proof, attempted its subversion.

His insincerity too has been a frequent topic of invective, in regard to the endless negotiations in which he was involved with his English subjects. But it ought to be recollected that all diplomacy is proverbially a system of duplicity; that, almost singly, he was pitted against a set of the most match-

less dissemblers that the world ever saw, whose objects, he well knew, were the entire subversion of all the institutions of his kingdom, and the erection of a fierce democracy on their ruins. And it is absurd to charge him with greater duplicity in those complicated treaties, than was evinced by his adversaries; who, the one day, acceded to his concessions, and the next repudiated and renounced what they had done.

But the great and most clamant fault imputed to Charles is, that he would not ratify and give effect to the Solemn League and Covenant;—a charge which has been made by men of very opposite descriptions—by puritanical devotees on the one hand, and philosophical historians on the other—agreeing only on this one point, and differing on almost every other. To the former we would briefly reply, that his resistance to that League was a patriotic virtue; for a more undisguised and grinding system of tyranny and persecution never was invented by man, and never was practised in the worst days of Popish thralldom. Nor can the inherent vices of that league be mitigated by the plea that, practically, the extirpation of all who would not yield to its terrors, was only directed against their tenets, and not their persons; for this theory is fully refuted by innumerable facts. Many thousands were not merely proscribed and robbed of their property, but put to death in the field and on the scaffold, as rebels and traitors, for no other reason than because they would not submit implicitly to an insatiable system of spiritual despotism. To the latter class of critics, who view Charles' adherence to Episcopacy in England as a weakness which excites the mingled emotions of compassion and contempt, and who hold that, to keep his crown, he ought to have abandoned his most cherished convictions of what was morally right, the answer is conclusive—that the mere statement of such an objection is the highest tribute that could be awarded to any human being; for amidst temptations almost overwhelming to human virtue, the object of their rebuke held fast his integrity to the death. To both classes we say, that what they reprobate in Charles can only be the subject of censure when hypocrisy becomes a virtue, when dissimulation adds lustre to the human character, and when prostitution of principle and personal honour shall be raised to the rank of a Christian virtue—an acme of perfection which, it must be allowed, was fully exemplified by blustering patriots, who remorselessly filled their country with rapine, anarchy, and oppression, as the champions of civil and religious liberty, both of which they trampled in the dust. That Charles I. committed errors, and grievous ones, is not to be questioned; but they inevitably arose from his education, and the circumstances in which he was placed; and “even his failings leaned to virtue's side.” He was, perhaps, setting aside the fabulous attributes of other monarchs, the most exemplary and amiable, as he was one of the most unfortunate of sovereigns, that ever swayed the sceptre of the British kingdoms.

\* Rushworth, part iv., vol. ii., p. 1426, *et seq.*



Having already, at more than our usual length, given all the details connected with the destruction of King Charles, the minor events which ensued betwixt that occurrence and the meeting of the subsequent General Assembly, must now be stated very briefly. We must not, however, omit to state that, up to the time of the execution, and particularly on the 29th of January, the Scottish Commissioners in England, acting by orders of the States, remonstrated in the strongest terms, and on the most solid grounds, against putting the King to death. Their letters to Fairfax and Cromwell, which are extant on the record of Parliament,\* bear witness to this, and establish that the foul deed was done by the House of Commons of England, not only without the concurrence, but in utter contempt of the earnest protestations of Scotland. Early in February, the Commons voted the House of Lords “useless and inconvenient;” and at once *abolished it and the monarchy of England.*

Whenever the tidings of the King's death reached Edinburgh, the Estates, on the 5th of February, passed an act for proclaiming his eldest son, Charles, as King; and this ceremony took place the same day at the cross of Edinburgh.† On the 7th, an act was passed for securing the Covenant and peace of the kingdom, containing stringent conditions, that before the Prince, or any of his successors, should be admitted to the exercise of the royal power, he should not only take the ancient coronation oath to maintain the Protestant religion, but also accede to the Covenant and Solemn League and Covenant, and consent that all civil matters should be determined by Parliament, and all ecclesiastic by the General Assembly of the Kirk. Commissioners were also appointed to proceed to the Prince in Holland, and effect arrangements on these terms. At the same time an act was passed ratifying the Catechisms and Confession of Faith.‡ Various other statutes were enacted for putting the kingdom in a posture of defence, and referable to the existing state of public affairs—for keeping all “malignants” out of public employment.

But the most important act of that time, relating to the Kirk, was passed on the 9th of March, for abolishing the patronages of Kirks.§ By that statute the Estates did “discharge for ever hereafter all patronages and presentations of Kirks, whither belonging to the King, or to any laick patrone, presbyterie, or others within this Kingdome, as being unlawfull and unwarrantable by God's word, and contrary to the doctrines and liberties of this Kirk, and doe repeal, rescind, make voyd, and annull all gifts and rights granted thereanent, and all former Acts made in the Parliament, or in any inferior judicatory, in favour of any patrone or patrones whatsoever, so farre as the same doth or may relate unto the presentatione of Kirks,” &c. “And because it is needfull that the just and

proper interest of congregations and presbyteries in providing of Kirks and Ministers, be clearly determined by the General Assembly, and what is to be accompted the congregation having that interest, Therefore it is hereby seriously recommended unto the next General Assembly clearly to determine the same, and to condescend upon a certain standing way for having a settled rule therein for all tyme coming.” This was a most important innovation on the original constitution of the Reformed Church in 1567, from which time lay patronage had been an essential element in its composition, whether in times of Episcopacy or Presbytery; and, particularly, it amounted to a virtual repeal of the Act 1592, by which the Presbyterian polity was fully established. It is unnecessary to anticipate the proceedings of the Assembly on this devolution of the power of legislation in this matter, as the subsequent acts of that Assembly will most satisfactorily explain their ordinance. The Estates, after passing acts approbatory of the proceedings of their Commissioners in England, and various other matters of particular concernment, continued the Parliament till the 23d of May following.

After the reassembling in May, the most interesting subject brought under the notice of the Estates, was a report of the proceedings of the Commissioners who had been sent to the King to adjust the terms of his acceptance of the crown of Scotland. That report, and the various protocols connected with it, shew that the first treaty proved abortive;\* the King declining to accede to the proposed restrictions, and the commissioners urging them ineffectually.† The army was also “purged” of all malignants; and from the communications which stand on record betwixt the two Parliaments of England and Scotland, the symptoms of a breach began very soon to appear; but nothing further very remarkable occurred worthy of notice, till the meeting of the Assembly, on the 4th of July, 1649, to the Acts of which we now point attention.

## THE PRINCIPALL ACTS

OF THE GENERALL ASSEMBLY HOLDEN AT  
EDINBURGH, JULY 7, 1649.

Iuly 7, 1649. Ante Meridiem. Sess. IV.

*Approbation of the proceedings of the Commissioners of the General Assembly.*

THE Generall Assembly having heard the report of the Committee appointed for revising the proceedings of the Commissioners of the preceding Assembly; And finding thereby, that in all their proceedings they have been zealous, diligent and faithfull, in the discharge of the trust committed to them, do therefore unanimously Approve and

\* Acts, vol. vi., p. 362.

‡ Ibid. p. 364.

† Ibid. p. 363.

§ Ibid. p. 411.

\* Acts, vol. vi., p. 451, *et seq.*

† The annuity-tax to the six ministers in Edinburgh was first imposed by an Act on the 19th of June, 1649.



Ratifie the whole proceedings, Acts and Conclusions of the said Commission; Appointing Mr John Bell Moderator *pro tempore*, to return them heartie thanks in the name of the Assembly for their great pains, travail and fidelity.

July 10, 1649. Ante Meridiem. Sess. VI.

*Approbation of the Commissioners sent to his Majesty.*

THE Generall Assembly having taken in serious consideration the Report of the Travells and Proceedings of the Commissioners sent to his Majesty presented by them this day, Together with the Commission and Instructions which were given unto them; Do finde by the Report, that they have been very diligent and faithfull in the discharge of the Trust Committed to them: And therefore, do unanimously Approve of their Carriage, and return them hearty thanks for their great Pains and Travails in that Employment.

July 19, 1649. Post Meridiem. Sess. XVIII.

*Act discharging promiscuous Dancing.*

THE Assembly finding the scandall and abuse that arises thorow promiscuous Dancing: Do therefore Inhibit and discharge the same, and do referre the Censure thereof to severall Presbyteries, Earnestly Recommending it to their care and diligence.

July 20, 1649. Ante Meridiem. Sess. XIX.

*Act concerning the receiving of Engagers in the late unlawfull War against England, to publick Satisfaction, Together with the Declaration and Acknowledgment to be subscribed by them.*

THE Generall Assembly considering what great offence against God, and Scandal to his People at home and abroad, hath arisen from the late unlawfull Engagement in War against England, whereby, contrary to the Law of God and of Nations, contrary to the Solemn League and Covenant, contrary to the Petitions of almost the whole Kingdom, contrary to the Declarations of the Judicatories of this Kirk, contrary to the Protestations of a considerable part of the Parliament, contrary to the frequent and clear warnings of the Servants of God in his name, not onely an Association in Counsels and Arms was made with Malignant persons, who had formerly shewn their dis-affection to the Covenant and Cause, but an invasion of the Neighbour Nation was prosecuted; from whence flowed the oppression of the persons, estates and consciences of many of the People of God in this Land, the shedding of the blood of some, the losse and dishonour of this Nation, and severall other inconveniences: And considering that the Commissioners of the last Generall Assembly have acquit themselves faithfully, in ordaining to be suspended from the renewing of the Covenant, and from the Ordinance of the Lords Supper, such as are designed in their Acts of Date the 6 of October and 4 of December last, referring the further consideration and censure of the persons foresaid to this present Generall Assembly: Therefore the Generall Assembly for removing of such offences, and for prevention of the like in time coming, and for restoring of such as are truly humbled, do Declare and Appoint,

I. That all those who have been guilty and censured as aforesaid, and withal, do not by their addresses to Kirk Judicatories testifie their dislike thereof, and give evidences of their Repentance therefore, That these be processed, and continuing obstinate, be excommunicated; But if withall they go on in promoting Malignant Designes, that they be forthwith Excommunicated: As also that all such persons guilty as aforesaid, who after Profession of their Repentance shall yet again hereafter relapse to the promoting any Malignant Designe, that these be likewise forthwith excommunicated.

II. That all these who have been guilty and censured as aforesaid, and desire to testifie their Repentance, and to be admitted to the Covenant and Communion, shall besides any Confession in publick before the Congregation subscribe the Declaration hereto sub-joined, of their unfained detestation and renunciation of that Engagement, and all other Malignant courses contrary to the Covenant and Cause, Promising to keep themselves from such ways in time coming, and acknowledging that if they shall again fall into such defection thereafter, they may justly be accounted perfidious backsliders, and breakers of the Covenant and Oath of God, and proceeded against with the highest Censures of the Kirk.

III. That of these who have been guilty and censured as aforesaid, and desire now to testifie their Repentance, Whosoever were formerly joined in Arms or Coussell with James Graham in his Rebellion, or who were Generall persons or Colonels in the late unlawfull Engagement, Or who went to Ireland to bring over Forces for that effect, Or who have been eminently active in contriving of, or seducing unto the said Engagement, or whosoever above the degree of a Lieutenant Commanded these parties, that in promoting of the ends of the said Engagement shed blood within the Kingdom, either before that Army of Engagers went to England, or after their return, Or who above the degree foresaid Commanded in the late Rebellion in the North; That none of these be admitted or received to give satisfaction, but by the Generall Assembly or their Commissioners.

IV. That all the rest of these who have been guilty, or censured as aforesaid, may be received by the Presbyteries where they reside.

V. That all who have been guilty as aforesaid, before their receiving to the Covenant, shall make a Solemn publick Acknowledgement in such matter, and before such Congregations as the Commission of the Generall Assembly or Presbyteries respective shall prescribe, according to the degree of their offence and scandall given.

VI. That none of the foresaid Persons be admitted, or received as Elders in any Judicatories of the Kirk, but according to the Act of the Generall Assembly of the last of August 1647, against compliers of the first Classe.

And because many have heretofore made shew and profession of their Repentance, who were not convinced of their guiltinesse nor humbled for the same, but did thereafter return with the dog to the vomit, and with the sow to the puddle, unto the mocking of God, and the exceeding great reproach and detriment of his Cause: Therefore, for the better determining the Truth and sincerity of the Repentance of those who desire to be admitted to the Covenant and Communion: It is appointed and Ordained that none of those persons who are debarred from the Covenant and Communion shall be admitted and received thereto, but such as after exact triall, shall be found for some competent time



before or after the offer of their Repentance, according to the discretion of the respective Judicatories, to have in their ordinary conversations given real Testimony of their dislike of the late unlawfull Engagement, and of the courses and wayes of Malignants, and of their sorrow for their accession to the same; and to live soberly, righteously and godly; And if any shall be found, who after the defeating of the Engagers have uttered any Malignant speeches, tending to the approbation of the late unlawfull Engagement, or the blood-shed within the Kingdome for promoting of the ends of the said Engagement, or any other projects or practises within or without the Kingdome, prejudiciall to Religion and the Covenant, or tending to the reproach of the Ministry, or the civill Government of the Kingdom, Or who have unnecessarily or ordinarily conversed with Malignant and disaffected persons, Or who have had hand in, or accession to, or compliance with, or have any wayes countenanced or promoted any Malignant Design, prejudiciall to Religion and the Covenant; That these, notwithstanding their profession of Repentance be not suddenly received, but a competent time, according to the discretion of the Judicatory, be assigned to them for tryall of the evidence of their Repentance, according to the qualifications above mentioned. And the Generall Assembly Ordains Presbyteries to make intimation of this Act in the severall Kirks of their bounds so soon as they can, after the rising of the Generall Assembly, that none pretend ignorance; And that Presbyteries make account of their diligence in prosecuting of this Act to the Quarterly meetings of the Commission of this Assembly.

*The Declaration and Acknowledgement before mentioned.*

I, \_\_\_\_\_ after due consideration of the late Warre against the Kingdom of England; And having also considered the course pursued and promoted by the Earle of Lanerk, George Monro and their Adherents in and about Stirling, and by others in the late Rebellion in the North, against all which not only eminent Testimonies of Gods Wrath have been giving in defeating of them, but they were in themselves sinfull breaches of Covenant, and preferring the interest of man unto God; I doe herefore in Gods sight professe, that I am convinced of the unlawfulness of all these ways, as contrary to the Word of God, and to the Solemn League and Covenant, not only in regard of the miscarriages of these that were employed therein, but also in respect of the nature of these courses themselves; And therefore professing my unfained sorrow for my guiltinesse by my accession to the same, doe renounce and disclaim the foresaid Engagement, and all the courses that were used for carrying on the same, either before or after the defeat of the Engagers, as contrary to the Word of GOD and Solemn League and Covenant, and destructive to Religion and the work of Reformation; And I doe promise in the power of the Lords strength, never again to own any of these or the like courses: And if hereafter at any time, I shall be found to promote any Malignant Design or course, that I shall justly be accounted a perfidious Covenant-breaker and despiser of the Oath of God, and be proceeded against with the highest Censures of the Kirk: Likeas, I doe hereby promise to adhere to the National Covenant of this Kingdome, and to the Solemn League and Covenant betwixt the Kingdomes, and to be honest and zealous for

promoving all the ends thereof, as I shall be called thereunto of God, and to flee all occasions and temptations that may lead me into any the like snares against the same. Subscribed  
at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_

July 24, 1649. Post Meridiem. Sess. XXIII.

*To the High and Honourable Court of Parliament.*

The Generall Assembly, Humbly Sheweth,

THAT whereas we have seen and considered the Act of Parliament abolishing Patronages, and doe highly commend the piety and zeal of the Estates of Parliament in promoting so necessary a point of Reformation; The Generall Assembly do humbly supplicate, that beside the settling of the Ministers stipends, that the Tythes mentioned in the said Act, may be affected with the burthen of pious uses, within the respective Paroches, conform to a draught of an Act seen by the Commissioners of the late General Assembly before it passed in Parliament; And that the foresaid Act may be made effectuell for the settling of Ministers Stipends in Kirks erected, and necessary to be erected according to the Tenour of the Act of Parliament, And for this effect, that your Lordships will hasten the sitting of the Commission for Plantation of Kirks, with all convenient diligence, and your Lordships Answer.

27 Iuly, 1649, Ante Meridiem. Sess. XXVII.

*A seasonable and necessary Warning and Declaration, concerning Present and Imminent dangers, and concerning duties relating thereto, from the General Assembly of this Kirk, unto all the Members thereof.*

THE Lord who chooses Jerusalem in a furnace of Affliction, hath been pleased since the beginning of the work of Reformation in this Land, to exercise his People with many trialls; all that desired to keep a good conscience, were not long agoe under many heavy and sad pressures from the insolency and oppression of a prevailing party of disaffected and Malignant men, who under a pretext of bringing the King to a condition of Honour, Freedom and safety, did carry on an unlawful Engagement against the Kingdom of England: and if the Lord had not been mercifull unto his people, they were like, either to have been banished out of the Land, or to have been kept in a perpetuall bondage in their consciences, persons and estates: But he whose Messengers those men had mocked, and whose word they had despised, did bring them down suddenly in a day, and restored liberty and peace unto his people: A merey and deliverance, which as it ought to be remembered with thankfulness and praise, so may it engage our hearts not to faint in troubles and straites that do yet abide us, but to trust in the name of the Lord, who both can and will deliver us still out of all our afflictions.

Albeit, wee do now enjoy many rich and precious blessings wherein wee have reason to be comforted, and to rejoyce; yet it were to shut our own eyes if we should not see our selves involved in, and threatned with many and great dangers at home and from abroad. It is matter of exceeding great sorrow to think upon the ignorance and profanity,



the impenitencie and security that abounds still in the Land, notwithstanding all the gracious dispensation of the Gospel, and means of grace in such purity and plenty, that none of the Nations round about us can boast of the like, and of all the long-suffering patience of the Lord, and of all his sharp rods wherewith he hath afflicted us from year to year, and of all the mercies and deliverances wherewith he hath visited us, and of our late solemn confession of sinnes, and engagement unto duties, sealed with the renewing of the Covenant and the Oath of God; Which some men have so far already forgotten, as to return with the dogge to the vomit, and with the sow to the puddle: And many signes of inconstancy and levity do appear among all sorts and ranks of persons, who seem to want nothing but a suitable tentation to draw them away from their steadfastnesse; Our Army is not yet sufficiently purged, but there be still in it Malignant and scandalous men, whose fidelity and constancy, as it is much to be doubted, so is the wrath of the Lord to be feared, upon their proceedings and undertakings, without a speedy and effectuell remedy.

That prevailing party of Sectaries in England, who have broken the Covenant, and despised the Oath of God, corrupted the truth, subverted the fundamentall Government by King and Parliament, and taken away the Kings life, look upon us with an evill eye, as upon these who stand in the way of their monstrous and new fangled devices in Religion and Government; And though there were no cause to fear any thing from that party but the Gangrene and infection of those many damnable and abominable errors which have taken hold on them, yet our vicinity unto, and daily commerce with that Nation, may justly make us afraid that the Lord may give up many in this Land unto a spirit of delusion to beleieve lies, because they have not received the love of the truth.

Neither is the Malignant party so far broken and brought low, as that they have abandoned all hopes of carrying on their former designs against the Covenant and work of Reformation: Beside many of them in this Kingdom, who are as Foxes tied in chains, keeping their evill nature, and waiting an opportunity to break their cords, and again to prey upon the Lords people; there be standing Armies in Ireland, under the command of the Marquesse of Ormond, the Lord Inchqueen, the Lord of Airds, and George Munro, who forgetting all the horrible cruelty that was exercised by the Irish Rebels, upon many thousands of the English and Scottish Nations in that land, have entred into a Peace and Association with them, that they may the more easily carry on the old designs of the Popish, Prelaticall and Malignant party; And the Lord of Airds, and George Munro, have by treachery and oppression brought the Province of Ulster, and Garrisons therein, under their power and Command, and have redacted our country-men, and such as adhere unto the Covenant, and cause of God in that Province, unto many miseries and straits, and are like to banish the Ministers of the Gospel, and to overturn these faire beginnings of the work of God, which were unto many a branch of hope, that the Lord meant to make Ireland a pleasant land.

But which is more grievous unto us then all these, our King, notwithstanding of the Lords hand against his Fathers opposition to the work of God, and of the many sad and dolefull consequences that followed thereupon, in reference to Religion and his Subjects, and to his person, and Government, doth hearken unto the counsels of these who were Au-

thors of these miseries to his Royall Father and his Kingdoms: By which it hath come to passe, that his Majesty hath hitherto refused to grant the just and necessary desires of this Kirk and Kingdom, which were tendred unto him from the Commissioners of both for securing of Religion, the Liberties of the Subject, his Majesties Government, and the Peace of the Kingdome; And it is much to be feared that those wicked Counsellours may so farre prevaile upon him in his tender yeers, as to engage him in a warre, for overturning (if it be possible) of the work of God, and bearing down all those in the three Kingdoms that adhere thereto: Which if he shall doe, cannot but bring great wrath from the Lord upon himselfe and his Throne, and must be the cause of many new, and great miseries, and calamities to these Lands.

It concerns a Nation thus sinfull and loaden with iniquity, and involved in so many difficulties and dangers, by timous repentance and unfained humiliation to draw near to God, and to wrestle with him in Prayer and Supplication, that our sin may be pardoned, and our iniquity done away; and that he would establish the Land in the love of the truth, and inable every one in their station to do their duty boldly and without fear, and in a humble dependance upon the Lord, in whom alone is the salvation of his people; Every man ought with all faithfulness and diligence, to make use of all these means that are approved and allowed of God, for preserving and carrying on of his work, and for securing and guarding the Land against all enemies whatsoever, both upon the right hand and upon the left.

The Spirit of error and delusion in our Neighbour-Land, in the policie of Satan hath veiled it self in many, under the mask of holinesse, and is in the righteous and wise dispensation of God, armed with power, and attended with successe: Therefore all the Inhabitants of this land would labour for more knowledge, and more love of the truth, without which they may easily be deceived, and led into tentation, and would learn to distinguish betwixt the shew and power of godlinesse. We know that there be many in England who be truly godly, and mourn with us for all the errors and abominations that are in that land; But it is without controversie, that that Spirit which hath acted in the Courses and Counsels of these, who have retarded and obstructed the work of God, dispised the Covenant, forced the Parliament, murdered the King, ehauged the eivill Government, and established so vast a Toleration in Religion, cannot be the Spirit of Righteousnesse and Holinesse, because it teaches not men to live godly and righteously, but draws thē aside into error, and makes them to bring forth the bitter fruits of impiety and iniquity, and therefore ought to be avoyded. And not only are such of our Nation as travaile in our Neighbour-land, to take heed unto themselves, that they receive not infection from such as are leavened with Error, but these also who live at home, especially in those places where Sectaries, upon pretext of merchandise, and other civill employments, ordiuarly traffique and converse. Neither needs any man to be afraid of the power and successe of that party, they who have gadded about so much to change their way, shall ere long be ashamed; The Lord hath rejected their confidences, and they shall not prosper in them; How farre they may proceed in their Resolutions and Actings against this Kingdome, is in the hand of the most high; If the Lord shall suffer that party to invade this land, it may be the comfort and encouragement



of all the Inhabitants thereof, that not only hath that unlawfull engagement against the Kingdom of England been declared against, and condemned both by Kirk and State; but also that these men can pretend no quarrell against us, unlesse it be, that we have adhered unto the Solemn League and Covenant, from which they have so foully revolted and backslidden; and that we have borne testimony against Toleration, and their proceedings in reference to Religion and Government, and the taking away of the Kings life: And therefore we trust that in such a case none will be so farre deficient in their duty as not to defend themselves against such unjust violence, and in the strength of the Lord to adhere unto their former principles, with much boldnes of spirit, and willingnesse of heart; In this certainly we shall have a good conscience and the Lord shall be with us.

We are not so, to have the one of our eyes upon the Sectaries, as not so hold the other upon the Malignants, they being an enemy more numerous, and no lesse subtile and powerfull nor the other, and at this time more dangerous unto us, not onely because experience hath proven that there is a greater aptitude and inclination in these of our Land, to complie with Malignants then Sectaries, in that they carry on their wicked designs under a pretext of being for the King; But also because there be many of them in our own bowels, and for that they doe pretend to be for maintenance of the Kings Person and Authority, and (which is the matter of our grife) because the King owens their principles and wayes; which if it be not taken heed unto, may prove a great snare, and dangerous tentation to many to side with them against the Lords people, and his cause. The constant tenour of the carriage of these in this land, who stand for the cause of God, are undeniable arguments of their affection to Monarchy, and to that Royal Family and Line w<sup>ch</sup> hath swayed the Scepter of this Kingdom for many hundreds of yeers past. Albeit his Majestic who lately reigned, refused to harken to their just desires; yet did they with much patience and moderation of mind, supplicate and sollicite his Majesty for satisfaction in these things that concern Religion and the Covenant, and were still willing, that upon satisfaction given, he should be admitted to the exercise of his power; and whatsoever envie and malice objects to the contrary, were carefull to get assurance concerning the safety of his Majesties Person, when they brought their army out of England; and when notwithstanding of that assurance, the prevailing party of Sectaries were acting for his life, did to the utmost of their power, endeavour by their Commissioners that there might have been no such proceeding; And when their desires and endeavours were not successfull, did protest and bear testimony against the same. And, as both Kirk and State had testified their tender respect to his Majesty who now reigns, by their Letters written to him whilst his Father was yet living, So no sooner did the Parliament heare of his Fathers death, but they did with all solemnity proclaim him King of these Kingdoms; And after they had acquainted his Majesty by Messages with their proceedings herein, Commissioners were sent both from State and Kirk instructed with power and Commission to expresse the affection of this Kingdom to Monarchy, and his Majesties Person and Government, together with their desires concerning the security of Religion, and the Peace of those Kingdoms. And albeit the desires of both which are now published to the world, with his Majesties answers thereto, are such as are most just and

necessary; yet the Counsels of the malignant party had so great influence upon his Majesty, that his answers are not only not satisfactory, but short of that which was many times granted by his Royall Father, and cannot be acquiesced unto, unlesse we would abandon the League and Covenant, and betray Religion, and the cause of God.

We hold it the duty of all who live in this Land, to wrestle with God in the behalfe of the King, that he may be recovered out of the snare of evill Counsell, and brought to give satisfaction to the publick desires of Kirk and State; and in their places and stations to use all endeavours with himselve and others for that effect, and to be willing, upon satisfaction given, to admit him to the exercise of his power, and cheerfully to obey him in all things according to the will of God, and the Lawes of the Kingdom, and to do every thing that tends to the preservation of his Majesties person, and just greatnesse and Authority, in the defence and preservation of the true Religion and Liberties of the Kingdomes.

But if his Majesty, or any having, or pretending power and Commission from him, shall invade this Kingdom, upon pretext of establishing him in the exercise of his Royall power, as it will be an high provocation against God to be accessory or assisting thereto, so will it be a necessary duty to resist and oppose the same. We know that many are so forgetfull of the oath of God, and ignorant and eareles of the interest of Jesus Christ and the Gospel, and doe so little tender that which concerns his Kingdom and the Privileges thereof, and do so much dote upon absolute and Arbitrary Government for gaining their own ends, and so much maligne the Instruments of the work of Reformation, that they would admit his Majesty to the exercise of his Royall power upon any termes whatsoever, though with never so much prejudice to Religion, and the Liberties of these Kingdomes, and would think it quarrell enough to make War upon all those who for conscience sake cannot condescend thereto. But We desire all these who fear the Lord, and mind to keep their Covenant impartially to consider these things which followes.

1. That as Magistrates and their power is ordained of God, so are they in the exercise thereof, not to walk according to their owne will, but according to the Law of equity and righteousness, as being the Ministers of GOD for the safety of his People; Therefore a boundles and illimited power is to be acknowledged in no King nor Magistrate; Neither is Our King to be admitted to the exercise of his power as long as he refuses to walk in the Administration of the same, according to this rule, and the established Laws of the Kingdom, that his Subjects may live under him a quiet and peaceable life in all Godlinesse and honestie.

2. There is ane mutuall Obligation and Stipulation betwixt the King and his People; As both of them are tied to GOD, so each of them are tied one to another for the performance of mutuall and reciprocal duties: According to this, It is Statute and Ordained in the 3 Act of the 1 Parliament of King James the 6, "That all Kings, Princes or Magistrates whatsoever, halding their place, which hereafter shall happen in any time to Raign and beare rule over this Reaim, at the time of their Coronation and receipt of their Princely Authority, make their faithfull promise by Oath in the presence of the Eternall GOD, that during the whole course of their lives, they shall serve the same Eternall GOD to the utmost of their power, according as he hath required in his most Holy Word



contained in the Old and New Testament, And according to the same Word, shall maintain the true Religion of Christ Jesus, the Preaching of His most Holy Word, and due and right ministration of His Sacraments now received and Preached within this Realm, And shall abolish and gainstand all false religion contrary to the same, And shall rule the people committed to their charge according to the Will and Command of GOD revealed in his Word, and according to the lovable Lawes and Constitutions received within this Realm, And shall procure to the utmost of their power to the Kirk of God and the whole Christian People, true and perfect peace in all time comming, And that Justice and Equity be kept to all creatures without exception. Which Oath was sworn, first by King James the 6, and afterwards by King Charles at his Coronation, and is inserted in our Nationall Covenant, which was approven by the King, who lately Reigned: As long therefore as his Majesty who now Reignes, refuses to hearken to the just and necessary desires of State and Kirk, propounded to his Majesty for the Security of Religion, and safety of his People, and to engage and oblige himself for the performance of his Duty to his People, It is consonant to Scripture and reason and the Laws of the Kingdom, that they should refuse to admit him to the exercise of his Government, untill he give satisfaction in these things.

3. In the League and Covenant which hath been so solemnly sworn and renewed by this Kingdom, the Dutie of defending and preserving the Kings Majesties Person and Authority is joyned with and subordinat unto the dutie of preserving and defending the true Religion and Liberties of the Kingdoms: And therefore his Majestie standing in opposition to the just and necessary publick desires concerning Religion and Liberties, it were a manifest Breach of Covenant, and a preferring of the Kings interest to the interest of Jesus Christ, to bring him to the exercise of his Royal power, which he, walking in a contrary way, and being compassed about with Malignant counsels, cannot but employ unto the prejudice and ruin of both.

4. Was not an Arbitrary Government and unlimited power, the fountain of most of all the Corruptions both in Kirk and State? And was it not for restraint of this, and for their own just defence against Tyranny and unjust violence, which ordinarily is the fruit and effect of such a power, that the Lords People did joyn in Covenant, and have been at the expense of so much blood, pains and treasure these yeers past? And if his Majestie should be admitted to the exercise of his Government before satisfaction given, were it not to put in his hand that Arbitrary Power, which we have upon just and necessary grounds been so long withstanding, and so to abandon our former Principles, and betray our Cause?

5. The King being averse from the Work of Reformation and the instruments thereof, and compassed about with Malignant and disaffected men, whom he hearkens unto as his most faithfull Counsellors, and looks upon as his best and most Loyall subjects, We leave it to all indifferent men to judge, whether his Majestie, being admitted to the exercise of his Power before satisfaction given, would not by such Counsells endeavour an overturning of the things which GOD hath wrought amongst us, and labour to draw publick administrations concerning Religion and the liberties of the Subject, unto that course and channell in which they did run under Prelacie, and before the Work of Reformation: Which we have the more cause to

fear, because his Royall Father did so often declare, that he conceived himself bound to employ all the power that GOD should put in his hands to the utmost for these ends; and that he adheres as yet to his Fathers Principles, and walkes in his way, and hath made a Peace with the Irish Rebels, by which is granted unto them the full liberty of Popery.

6. It is no strange nor new thing for Kingdoms to preserve Religion and themselves from ruine, by putting restraint upon the exercise of the power and Government of those who have refused to grant those things that were necessary for the good of Religion and the Peoples safety; There have bin many precedents of it in this and other nations of old, and of late. Upon these and other important considerations, It shall be the wisdom of every one who dwell in the Land, to take heed of such a temptation and snare, that they be not accessory to any such designes or endeavours, as they would not bring upon themselves, and upon their families, the guilt of all the detriment that will undoubtedly follow thereupon to Religion and the Covenant, and of all the miseries and calamities that it will bring upon his Majesties Person and throne, and upon these Kingdoms; Such a thing would in all appearance be the undermining and shaking, if not the overthrowing and destroying of the work of Reformation: And therefore whosoever attempt the same, oppose themselves to the Cause of GOD, and will at last dash against the Rock of the LORDS Power, which hath broken in pieces many high and lofty ones since the beginning of this Work in these Kingdoms: And it is unto us a sure Word of Promise, That whosoever shall associate themselves, or take counsell together, or gird themselves against GOD and His Work, shall be broken in pieces.

It is not onely joyning in Arms with the Malignant partie, that all these who would keep their integrity has need to beware of, but also subtil devices and designes, that are promoted by fair pretexts and perswasions to draw men to dispense at least with some part of these necessarie desires, that are propounded to his Majestie for securing of Religion. After many turnings and devises the foundation of the unlawfull Engagement was at last laid by his Majesties Concessions in the year 1648. Wherein though many things seemed to be granted, yet that was denied, without which Religion and the Union betwixt the Kingdoms could not have been secured: And it is probable, that such a way may be assayed again, and prosecuted with very much cunning and skill to deceive and insnare the simple. It doth therefore concern all ranks and conditions of persons to be the more warie and circumspect, especially in that which concerns the Nationall Covenant, and the Solemn League and Covenant, that before his Majestie be admitted to the exercise of his Royall Power, that by and attour the Oath of Coronation, he shall assure and declare by his Solemn Oath under his hand and seal his allowance of the Nationall Covenant, and of the Solemn League and Covenant, and obligation to prosecute the ends thereof in his Station and Calling, and that he shall for himself and his successors, consent and agree to Acts of Parliament, injoyning the Solemn League and Covenant, and fully Establishing Presbyteriall Government, the Directory of Worship, the Confession of Faith and Catechisme, as they are approven by the Generall Assembly of this Kirk and Parliament of this Kingdom, in all his Majesties Dominions, and that he shall observe these in his own Practise and Familie, and that he shall never make opposition to any of



these, nor endeavour any change thereof. Albeit the League and Covenant be despised by that prevailing party in England, and the Work of Uniformity, thorow the retardments and obstructions that have come in the way, be almost forgotten by these Kingdoms; yet the obligation of that Covenant is perpetuall, and all the duties contained therein are constantly to be minded, and prosecuted by every one of us and our posterity, according to their place and stations: And therefore we are no lesse zealously to endeavour, that his Majestie may Establish, and swear, and subscribe the same, then if it were unanimously regarded and stuck unto by all the Kingdom of England, for his Majestie swearing and subscribing the League and Covenant, will much contribute for the Security of Religion, his Majesties happinesse, and the Peace of his Kingdoms.

As it is incumbent to all, who live in this Kirk and Kingdom to be watchful and circumspect, so it concerns these of the High and Honourable Court of Parliament and their Committees, in a special way to see to their duty, and to be straight and resolute in the performance of the same; Their former proceedings is unto us a sufficient evidence and ground of hope, that they will not be wanting in any necessary testimony of dutie and Loyalty that they owe to the King, by using all just and seasonable endeavours for obtaining satisfaction of his Majestie, that so he may be established upon his Thrones; And we trust, that upon the other hand, the sence of their obligation to God, and his Oath that is upon them, will make them constantly to adhere to their former Principles, resolutions, and desires concerning Religion and the Covenant, that reall satisfaction may be had thereanent, before the King be put in the exercise of his power; And that they will carefully provide for the safety of the Kingdom, both in regard of intestine dangers, and in regard of invasion from without: It is not long since they, together with the rest of the Land, made solemne Publick Confession of Compliance with Malignants, carnall confidence, following of self interests, and hearkening to the Counsells of flesh and blood, And did in a speciall way engage themselves to comply, and seek themselves and their own things no more, to abandon the counsels of their own hearts, and not to rely upon the Arm of flesh, and to purge Judicatories and Armies from Profane and scandalous persons; And God forbid that they should so soon forget, or neglect so necessary duties, and fall again unto so great and grievous transgressions. We trust that they will seek the things of CHRIST, and not their own things, that they will hearken to His Word, and not walk in the imaginations of their own hearts, that they will relie upon the Arm of the LORD, and not upon the arm of flesh, that they will be wary and circumspect in decerning the dispositions and affections of those whom they put in trust, and that, seeing this Kingdom hath so much smarted, and been so often deceived by compliance with Malignants, they will carefully avoid this snare, in regard of those who were upon the former unlawful Engagement, and be tender in bringing in of such; And wee cannot but exhort them in the Name of the LORD, to take notice of the Oppression of the People and Commons in the Land, by the lawlesse exactions of Land-Lords, Collectours and Souldiers. We do not justifie the murmurings and grudgings of those, who, preferring the things of the world to the Gospel and things of Jesus Christ, repine at necessary burthens, without which it is not possible that the Land can be secured

from invasion without and insurrection within, or the Cause and People of GOD be defended from enemies: It is the duty of every one who hath taken the Covenant, willingly and with a cheerfull minde to bestow their means and their pains as they shall be called thereunto, in an orderly way: Yet should these to whom God hath committed the Government, take care that they be not needlessly burthened, and that none grind their faces by oppression, not only by making of Lawes against the same, but by searching out of the cause of the poor, and by executing these Lawes timously upon these that oppresse them, that they may find real redresse of their just grievances and complaints, and be encouraged to bear those burthens which cannot be avoyded.

As the Parliament have begun, so we hope they will continue, to purge out all these from trust, that are not of known integrity and affection to the cause of God, and of a blamelesse and Christian conversation, and that they and the Officers of the Army in their respective places, will seriously mind, and speedily and resolutely goe about the removing from the Army all malignant and scandalous persons, and also the removing of Sectaries when any shall be found therein, that they may give real evidenee that they did not deal deceitfully with God, in the day that they engaged themselves thereto.

Albeit wee hope and pray that those who beare charge in our Army, will from the remembrance of the Lords goodnesse to them, and the honour that he hath put upon them, endeavour to carry themselves faithfully, and straightly; Yet it cannot be unseasonable to warn them to take heed of tentations, and to beware of snares that they be not drawn to indifferencie or neutrality in the cause of God, much lesse unto connivance at, or compliance with the courses and designes of malignants or Sectaries, but to stick closely by the same, and to be zealous against all the enemies and adversaries thereof: And it concerns souldiers to be content with their wages, and to doe violence to no man, but as they are called unto the defence of the cause and people of God, so to behave themselves in such a blamelesse and Christian way, that their cariage may be a testimony to his cause, and a comfort to his people; So shall our Armies prosper, and the Lord shall goe out with them.

But most of all it concerns the Ministers of the Gospel whom God hath called to give warning to his people to look to their duty; It is undeniably true, that many of the evils wherewith this Kirk and Kingdome hath been afflicted in our age, have come to passe because of the negligence of some, and corruptions of others of the Ministry; Whilest some fell asleep, and were carelesse, and others were covetous and ambitious, the evil man brought in Prelacy, and the Ceremonies, and had farre promoted the Service-Book, and the Book of Cannon; and the course of backsliding and revolting was carried on, untill it pleased God to stirre up the spirits of these few, who stood in the gap to oppose and resist the same, and to begin the work of Reformation in the Land; Since which time, the silence of some Ministers, and compliance of others, hath had great influence upon the backsliding of many amongst the people, who upon the discovery of the evill of their way, complain that they got not warning, or that if they were warned by some, others held their Peace, or did justifie them in the course of their backsliding; We can look upon such Ministers no otherwise then upon those that are guilty of the blood of the Lords people, and with whom the Lord will reckon for all the breach of Covenant,



and defection that hath been in the Land. The Priests lips should preserve knowledge, and they should seek the law at his mouth, for he is the messenger of the Lord of Hosts; But such are departed out of the way, and hath caused many to stumble at the Law, therefore hath the Lord made them contemptible and base before all the people, according as they have not kept his wayes, but have been partiall in his law; Because they have lost their favour, he hath cast out many of them as unsavoury salt: But such as have been faithfull, as he hath preserved them from the violence and fury of men, so hath he verified his word in their mouths, both against his enemies, and concerning his people and his work; And makes them see, though not all their desires concerning the Gospel, and the work of God in the land, yet very much of the fruit of their labour, by preserving the doctrine and all the ordinances of Jesus Christ in their purity, and adding in some measure thereto the power and life thereof. We doe therefore charge all the Ministers of the land, before God and the Lord Jesus Christ, who shall judge the quick and the dead at his appearing in his Kingdom, as in every thing to be ensamples of a good conversation, and to walk without offence, that the ministry be not blamed; So to take heed unto the flock over which the Holy Ghost hath made them overseers, to declare unto them all the Counsell of God, and to give them timely warning concerning every danger and duty, and to hold forth unto them the solid grounds of reall consolation, by which they may be encouraged and comforted in all their trials and afflictions; that they may be free of the blood of all men, and have this as a ground of rejoycing, even the testimony of their consciences, that in simplicity and godly purenesse, not with fleshly wisdom, but by the grace of God they have had their conversation in the world, and have exhorted and comforted and charged every one committed unto them as a Father doth his children. Especially, Ministers are to be careful to be much in discovering the temptations, and pressing the duties of the times, that these who are under their charge may know what to avoid, and what to embrace and pursue: If all the Watchmen in the Land shall give warning, and blow the Trumpet at once, it shall not be easie for enemies to prey upon the people of God. Wee know no cause why any whom God hath called to preach the Gospel, should be afraid to speak boldly in the Name of the Lord; since God hath given so manifest a testimony of his care and protection, in preserving them, these yeers past, who have striven to be faithfull to him who hath called them, from all the fury and malice of haters of the work of God and of the Kingdom of his Sonne Jesus Christ, who hath promised to be with his servants unto the end of the world.

Albeit the Land be involved in many difficulties, and compassed about with great and imminent dangers, yet there is hope and ground of consolation concerning this thing. The Lord is in the midst of us, and we are called by his name, our eares hear the joyfull sound of the Gospel, and our eyes see our Teachers; We behold the arm of the Lord stretched out daily in working salvation for his people, and answering their desires upon their enemies by terrible things in righteousness; Although we be but few in number, yet the Lord of Hosts is with us, and in the power of his strength we shall be able to prevaile; Although our land be filled with sin, yet we have not been forsaken of the Lord our God, but he hath alwayes had compassion upon us, and delivered us in all our distresses; Although

some of understanding fall, it is but to try, and to purge and to make white even to the end, because it is yet for a time appointed; Although many cleave to us by flatteries, yet there be a remnant who keep their integrity, and the Lord shall doe good to these that be good, but such as turn aside to crooked wayes, shall be led forth with the workers of iniquity.

The Lords people in England and Ireland, who adhere to the cause and Covenant, may be perplexed, but shall not despair; they may be persecuted, but shall not be forsaken; they may be east down, but shall not be destroyed: And although uniformity, and the work of Reformation in these lands, seem not only to be retarded, but almost pluckt up by the roots, and the foundations thereof razed; Yet the seed w<sup>ch</sup> the Lord hath sown there, shall again take root downward, and bear fruit upward; The zeal of the Lord of Hosts shall performe this.

30 July, 1649. Ante Meridiem. Sess. XXX.

*Act concerning Catechising.*

THE Generall Assembly taking to their serious Consideration the great darknesse and Ignorance, wherein a great part of this Kingdom lyeth, together with the late Solemn Engagement, to use all means for remedy thereof, doe ordaine every Minister with assistance of the Elders of their severall Kirk sessions to take course, that in every house where there is any who can read, there be at least one Copie of the Shorter and Larger Catechisme, Confession of Faith and Directorie for Familie-worship. And doe renew the Act of the Assemblie August 30, 1639, for a day of weeklie Catechising, to be constantly observed in every Kirk, And that every Minister so Order their Catethetick Questions, as thereby the People, (who doe not convene all at one time but by turns unto that exercise) may at every dyet have the chief heads of saving knowledge in a short view presented unto them, And the Assembly considering that notwithstanding of their former Act, these dyets of weeklie Catechising are much slighted and neglected by many Ministers throughout this Kingdome, Doe therefore Appoint and Ordaine every Presbytery, to take triall of all the ministers within their bounds once at least in the halfe year, whither they be carefull to keep weekly dyets of Catechising: And if they shall finde any of their number negligent herein they shall admonish for the first fault, and if after such admonition they shall not amend, The Presbyterie for the second fault shall rebuke them sharply, and if after such rebuke they doe not yet amend, they shall be suspended.

4 Aug., 1649. Ante Meridiem. Sess. XL.

*Commission for Publick Affaires.*

THE General Assemblie Considering how necessary it is for preservation of Religion in this Kingdom, and proceution of the work of uniformity in all his Majesties dominions, That the Commissions formerly granted to that effect be renewed: Therefore they doe renew the power and Commission granted for the Publick affairs of the Kirk by the Generall Assemblies held at Saint Andros 1642, and at Edinburgh, 1643, 1644, 1645, 1646, 1647, and 1648, unto the persons following,



viz. Master Alex. Rollock, John Murray, Thomas Lundie, John Freebairne, Geo. Murray, Harie Livingston, William Major, Hew Henderson, Samuel Austine, Mr Gavin Young, David Laing, William Maxwell, John Macceleland, James Erving, Robert Ferguson, John Scot, Thomas Wylie, Hew Eccles, John Bell, John Nevoy, William Guthrie, John Hammiltoun, Hew Peebles, Alex. Douglas, Harie Semple, David Dickson, Pat. Gillispie, James Durham, Robert Bailie, William Hammiltoun, Francis Aird, James Nasmith, Richard Inglis, William Summervale, Evan Cameron, Robert Blare, Samuel Rutherford, James Wood, John Macgill Elder, Alex. Balfoure, William Roc, John Moncreife, Fredrick Carmichael, Harie Wilke, William Oliphant, George Pitillo, John Robeson, James Thomsons, William Rate, Da. Campbell, Andro Cant, Jo. Menzes, Andro Abercromby, Robert Sheyn, William Forbes, John Paterson, Duncan Forbes, William Chalmers, John Annand, William Falconer, Murdoch Mackenzie, Robert Jameson, Gilbert Marshall, Jo. Dallase, Wil. Smyth, Robert Hume, Tho. Suintoun, James Stratoun, Jo. Douglass, James Guthrie, Tho. Donaldson, Will. Jameson, John Livingstoun, John Scot, Andro Dunkeson, John Dalzell, Arthur Forbes, James Fleming, James Robison, Hew Campbell, Robert Douglass, Mungo Law, George Leslie, John Adamson, James Hammiltoun, John Smyth, Hew Mackell, Geo. Hutchison, Patrick Fleming, John Hay, Ephraim Melvill, John Roe, Gilbert Hall, George Benet, Kenneth Cogie, John Craford, *Ministers*: Archbald Marquess of Argyle, E. of Sutherland, Alex. E. of Eglintoun, John E. of Cassels, Will. E. of Lothian, the Viscount of Arbutnot, David L. Elcho, Lo. Brichen, Rob. Lo. Burly, James Lo. Couper, Sir Archbald Johnstoun of Waristoun *Clerk Register*, Sir Daniel Carmichael *Thesaurer Depute*, Sir John Hope of Craighall, Mr George Winraham of Libbertoun, Mr Alex. Person of Southhall, Brodie of that ilk, *four of the ordinary Lords of the Session*, Arthur Erskene of Scots-crage, Laird of Waughtoun, Sir David Hume of Wedderburne, Laird of Edzell, Laird of Nidrie, Sir William Scot of Harden, Laird of Greenheid, Laird of Freeland, Laird of Ccsnock, Sr. James Stewart of Kirkfield, the Laird of Suintoun younger, Laird of Eight, Sir James Fraser, Sir Thomas Ker, Laird of Fernie, Sir Rob. Adair, Sheriff of Tiviotdail younger, Tutor of Pitsligo, Sir John Chiesly, Laird of Englistoun, Laird of Leslie younger, La. of Dunbeth, La. of Watertoun, Sir Io. Smyth, Mr Alex. Colvill of Blair, Whitbank younger, La. of Grenock, Galloshiels younger, Buchchantic, Crachlaw, Clobberhil, Dalseife, Mr Robert Burnet younger, Mr Tho. Murray, James Eleis, Laird Kennedie, Alex. Iaffray, James Sword, George Porterfeild, Mr Rob. Barelay, Hew Kennedy, Will. Glendonig, Thomas Maebirnie, Rob. Lockart, Mr James Campbell, John Carsane, John Boswell, Alex. Douglass, Mr Alex. Skeen, William Broun, *Elders*; Giving unto them full Power and Commission to do all and every thing for preservation of the Established Doetrine, Discipline, Worship and Government in this Kirk, against all who shall endeavour to introduce any thing contrarie thereunto; And for prosecuting, advaucing, perfecting and bringing the works of uniformitie in Religion in all his Majesties dominions to a happy conclusion conform to the former Commissions granted by preceding Assemblies thereanent.

And to that effect appoints them or any nineteen of them whereof 13 shall be Ministers, to meet in this Citie to morrow the 7 of this instant, and

thereafter upon the second Wednesday of Novemb. February and May next, and upon any other day, and in any other place they shall think fit: Giving also unto them full power, to send Commissioners to the Kingdom of England, for prosecuting the Treatie of Uniformitie as they shall find conveniencie, and to give instructions and Commissions to that effect conform to former Commissions granted hereanent: And Likewise in case delinquents have no constant residence in any one Presbyterie, or if Presbyteries be negligent or overawed, in these cases The Assembly gives to the persons before named power of censuring Compliers and persons disaffected to the Covenant, according to the Acts of the Assembly, Declaring alwayes and providing, that Ministers shall not be Deposed, but in one of the quarterlie meetings of this Commission; And further authorizes them as formerlie, with full power to make Supplications, Remonstrances, Declarations and Warnings, to Indict Fasts and Thanksgivings as there shall be cause, to protest against all encroachments upon the Liberties of the Kirk, and to Censure all such as Interrupt this Commission or any other Church Judicatorie, or the execution of their Censures, or of any other sentences or Acts Issuing from them; And with full power to them to Treat and Determine in the Matters referred unto them by this Assemblie, as fullie and freele as if the same were here fully expressed, and with as ample power as anie Commission of anie former Generall Assemblies hath had or been in use of before: Declaring also that all opposers of the Authoritie of this Commission in matters intrusted to them, shall be holden as opposers of the Authoritie of the General Assemblie, and this Commission in their whole Proceedings are Comptable to and Ceusable by the next General Assemblie.

#### *Directorie for Election of Ministers.*

WHEN any Place of the Ministrie in a Congregation is vacant, it is Incumbent to the Presbyterie with all diligence to send one of their number to Preach to that Congregation who in his doctrine is to represent to them the necessitie of providing the place with a qualified pastor, and to exhort them to fervent prayer and supplication to the Lord that he would send them a Pastor according to his own heart: As also he is to signifie that the Presbyterie out of their care of that Flock will send unto them Preachers, whom they may hear, and if they have a desire to hear any other, they will endeavour to procure them an hearing of that person or persones upon the sute of the Elders to the Presbyterie.

2. Within some competent time thereafter, the Presbyterie is again to send one or more of their number to the said vacant Congregation, on a certain day appoynted before for that effect, who are to convene and hear sermon the foresaid day; which being ended, and Intimation being made by the Minister, that they are to goe about the Election of a pastor for that Congregation, the Session of the Congregation shall meet and proceed to the Election, the action being moderated by him that Preached; And if the people shall upon the intimation of the Person agreed upon by the Session acquiesce and consent to the said person, Then the matter being reported to the Presbyterie by Commissioners sent from the session, they are to proceed to the triall of the person thus Elected, And



finding him qualified, to admit him to the Ministry in the said Congregation.

3. But if it happen that the Major part of the Congregation dissent from the person agreed upon by the Session, In that case the matter shall be brought unto the Presbyterie, who shall Judge of the same; And if they doe not find their Dissent to be grounded on Causlesse prejudices, they are to appoynt a new Election in manner above specified.

4. But if a lesser party of the Session or Congregation shew their dissent from the Election without exceptions relevant and verified to the Presbyterie, Notwithstanding thereof the Presbyterie shall go on to the trials and ordination of the person elected; yet all possible diligence and tendernesse must be used to bring all parties to an harmonious agreement.

5. It is to be understood that no person under the Censure of the Kirk because of any scandalous offence is to be admitted to have hand in the election of a Minister.

6. Where the Congregation is disaffected and Malignant, in that case the Presbyterie is to provide them with a Minister.

6. Aug., 1649. Ante Meridiem. Sess. Ult.

*A Brotherly Exhortation from the General Assembly of the Church of Scotland, to their Brethren in England.*

THE many and great obligations which lie upon us in reference to our Brethren in England, who hold fast their integrity, and adhere to the Solemu League and Covenant, together with the desire which we have to testifie our Sympathie with them in their afflictions, and to preserve so far as in us lieth that fellowship and correspondence that hath been entertained betwixt the Church of Scotland and England these years past, do call upon us and constrain us not to be silent in this day of their trouble and distress.

Albeit the Lord (who hath his fire in Zion, and his furnace in Jerusalem) hath now for a long time past, afflicted these Kingdoms with many and sharp rods, and that his wrath seems not yet to be turned away, but his hand stretched out still; yet in all this, it becomes us who live in these Lands to stop our mouthes, neither can any impute iniquity to the most High.

It is rather a wonder, that any merey should be continued, and that England and Scotland are not cut off from being Nations, seeing the back-slidings and provocations of both has been so many and so grosse; Although the Solemn League and Covenant was sworne and subscribed by both, yet have many in both despised the Oath of GOD, as appears by the late unlawfull Engagement against the Kingdom of England, contrived and carried on by a prevailing party of Malignants in this Land, and by the proceedings of the Sectaries in England, in reference to Religion and Government.

We shall not insist upon what hath been the condition and carriage of the Lords People in this Land in reference to the late unlawfull Engagement: As we desire to magnifie the power and loveing kindenesse of the Lord, who enabled all the Judicatures of this Church, and a considerable part of the Parliament, and the body of the Land, to dissent from, and bear Testimony against the same, which made the House of Commons in their Letter directed to the last General Assembly or their Commissioners, to declare, that that Engagement

could not be looked on as a Nationall breach; So we look upon it as a wonder of his Wisdom and Merey, that he hath disposed and directed the same for the furtherance of his Work in our hand, and purging his House amongst us. All this cometh forth from the Lord of Hosts, who is wonderful in Counsel and Excellent in Working. Neither was it the least part of the Lords goodnesse to us, in that day of our strait that we were led in a plain path, and kept from complianee with Sectaries on the one hand, no less than with Malignants on the other. We have obtained this mercy to be steadfast to our old principles, in bearing free and faithfull Testimony against their proceedings, both in reference to Toleration and Government, and the taking away of the Kings life.

And as the danger and judgement which threatens the Authors and Abettors of these things, doth affect our Spirits with horror, and maketh us desire that it may be given to them of God to repent: So we should conceive our selves void of Christian affection and compassion toward those in England, who suffer for the truth and Cause of God, if we were not very sensible of all their present troubles and calamities. It is no small grief to us, that the Gospel and Government of Jesus Christ are so despised in that Land that faithfull Preachers are perscuted and cryed down, that Toleration is established by pretext of Law, and maintained by Military power, and that the Covenant is abolished and buried in oblivion. All which proceedings, cannot but be looked upon as directly contrary to the Oath of God lying upon us, and therefore cannot eschew his Wrath when he shall come in Judgement, *to be a swift witness against those that swear falsely by his Name.*

These things are the more grievous to us, because (beside many other wofull evils brought forth by them) they have interrupted the Building of the Lords House in England; the foundation whereof was laid by Oath and Covenant with the most High God, and followed for some years with many Declarations and Protestations of Faithfull adhering thereto, and with great expence of blood and Treasure: Which things were to all the godly in these Nations a branch of hope, that the Lord would bring to perfection the Work of Uniformity (so far advanced in all the parts thereof) in these three Kingdoms.

But the great obstructions and sad interruptions that have been made therein, by the strange and unexpected practises of many now in place and power in England, are to all the welaffected in both Kingdoms, and in all the Churches abroad, the matter of their sorrow and humiliation. And if there be any place left for admonition, we Warn such as have forgotten the Covenant, and despised the Oath of God, and turned aside to lies and errour, to consider whence they are fallen, and to repent. Prosperity and success for a time are no warrantable evidences of a good Cause, nor sufficient guards against the wrath of God; It is no good use of the Lords merey for such men under pretext of Liberty to make both themselves and others slaves to corruption, and to make all men both in Church and State like the fishes of the Sea, or the creeping things that have no Ruler over them. Are these things according to the Word of God, and the pattern of the best Reformed Churches? Or is that the endeavour to bring the three Kingdoms to the nearest uniformity that may be in Doctrine, Worship, Government, and Discipline; Or is that the maintaining of the union betwixt the three Kingdoms, when the straitest bond



thereof is utterly dissolved and quite taken away, and the fundamentall Government by King and Parliament wholly overturned? The just God who is of pure eyes beholds these things, and shall with no lesse fury and indignation break the horn of these men, then he hath broken the power, and brought down the pride of Malignants before them, if repentance prevent not.

Amidst those fears and griefes, it is unto us matter of rejoyeing, that there be many in England who mourn for all these abominations, and labour to keep their garments pure by refusing to comply with that course of backsliding, and by bearing testimony against the same. And we hope the expectation of such, shall not be disappointed, but that the Lord will open to them a doore of hope for earrying on of his work, and making the lying spirit to passe out of that land.

And albeit many think no otherwise of the Covenant and work of Reformation, then as a mean to further their own ends; yet we are confident, that none who holds fast their integrity, have so learned Christ, but are carefull to make conscience of the oath of God lying on them; And we are sure (whatever be the base thoughts and expressions of backsliders from the Covenant) it wants not many to own it in these Kingdomes, who (being called thereto) would seale the same with their blood.

Although there were none in the one Kingdome who did adhere to the Covenant, yet thereby were not the other Kingdom nor any person in either of them absolved from the bond thereof, since in it we have not only sworne by the Lord, but also covenanted with him. It is not the failing of one or more that can absolve others from their duty or tye to him; Besides, the duties therein contained, being in themselves lawfull, and the grounds of our tye thereunto moral, though others do forget their duty, yet doth not their defection free us from that obligation which lyes upon us by the Covenant in our places and stations. And the Covenant being intended and entred into by these Kingdoms, as one of the best means of stedfastnesse, for guarding against declining times; It were strange to say that the back-sliding of any should absolve others from the tye thereof, especially seeing our engagement therein is not only nationall, but also personall, every one with uplifted hands swearing by himselfe, as it is evident by the tenor of the Covenant.

From these and other important reasons, it may appear that all these Kingdomes joyning together to abolish that oath by law, yet could they not dispense therewith; Much lesse can any one of them, or any part in either of them doe the same. The dispensing with oathes hath hitherto been abhorred as Antichristian, and never practised and avowed by any, but by that man of sin; therefore those who take the same upon them, as they joyn with him in his sin, so must they expect to partake of his plagues.

As we shall ever (God willing) be mindfull of our duty to the faithfull that adhere to the Covenant in England, having them alwayes in our hearts before the Lord, so we desire to be refreshed with their singlenesse and boldnesse in the cause of God, according to their places. This is the time of their triall, and the houre of temptation among them; blessed shall they be who shall be found following the Lamb, and shall not be ashamed of his testimony. We know in such dark houres, many are drawne away with the multitude, whom the Lord will again purge and make white; And we doubt not but many such are in England, whom the bold

and cleare preaching of Christ may reclaim; Much therefore lieth upon the Wath-men at this time, that their Trumpet may give a certain and distinct sound, warning and exhorting every one, as those that must give account; And blessed shall those servants be, who shall be found faithfull in their Lords house, distributing to his household what is meet for this season, and can say they are free of the blood of all men, having shewen them the whole Counsell of God, being in nothing terrified of the threats of their adversaries; And blessed and happy shall that people be, that walk in the light holden forth by them, and stayer upon the Lord in this dark time, harkning to the voyce of his servants, and walking in the light of his word and not in the sparks of their owne kindlings, which will end in sorrow. How inexcusable will England be, having so foulie revolted against so many faire testimonies, which the Lord Christ hath entred as Protestations to preserve his right, in these ends of the earth long since given unto him for his possession, and of late confirmed by Solemne Covenant. Christs right to these Kingdomes is surer then that he should be pleaded out of it by pretended liberty of Conscience, and his begun possession is more precious to him, then to be satisfied with a dishonourable toleration. All that yet we have seen, doth not weaken our confidence of the Lords glorifying the house of his glory in these lands, and of his sonnes taking unto him his great power, and reigning in the beauty and power of his Ordinances in this Island. His name is wonderfull, and so also are his workes, we ought not therefore to square them according to our line, but leave them to him, who hath the government laid upon his shoulder, all whose wayes are judgement, and whose ruling these Kingdoms had never yet reason to decline. It is good for us to [be] stedfast in our duty, and therein quietly to wait and hope for the salvation of God. The word of promise is sure, (and hath an appointed time) that he that will come shall come and will not tarry. There is none hath cause to distrust the Lords word to his people; It hath often to our experience been tryed in the fire, and hath ever come forth with a more glorious lustre. Let not therefore these that suffer in England cast away their confidence, they are not the first who have needed patience after that they had done the Lords will. But let them strengthen the weak hands, and coufirm the feeble knees, and say to the fearfull in heart, be strong, fear not, behold your God will come with vengeance, even God with a recompence, he will come and save you. Now the just shall live by faith, whereas these that draweth back, or become lukewarm in the Lords work, his soul shall abhorre them, and he shall spue them out of his mouth. But we perswade our selves of better things of these our brethren in England, and prayeth that the God of Peace who brought again from the dead our Lord Jesus, that great Shepheard of the sheep, through the blood of the everlasting Covenant, may make them perfect in every good work to doe his will, working in them that which is well-pleasing in his sight through Jesus Christ, to whom be Glory for ever. AMEN.

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*Act for a Collection for entertaining Highland Boyes at Schooles.*

THE Generall Assembly Considering that the contribution of fourty shillings for entertaining of Highland boyes at Schooles, in respect of the



penury and great indigence of those parts hath not taken the intended effect, Therefore in respect of the necessity and profitableness of so pious a Work The Assembly in lieu of the said forty shillings Do Appoint and Ordain that there be an extraordinary collection at the Kirk doors for that use one Sabbath in the year: And to that effect, that a certain Sabbath yearly be appointed and designed whereupon that collection shall be gathered, intimation being made by the Minister the Sabbath before to prepare for such a collection, and the necessity and usefulness thereof being laid out to the people for that end. And if the collection in any little private Congregation shall be lesse then forty shillings, The Session shall make up what wants of forty shillings; And where the collection is more, it is hereby specially inhibited and discharged that any part thereof be retained or interverted to any other use whatsoever; And these Collections shall be sent to the persons formerly appointed to receive the forty shillings, that they may see the right distribution and employment thereof; Recommending to Presbyteries to see this punctually performed. And account thereof shall be craved at Synods and Generall Assemblies. It is alwayes to be remembred that the Congregations exeeded from the forty shillings are also exeeded from this Collection.

*Commission for a conference of Ministers, Lawyers and Physitians, Concerning the tryal and punishment of Witchcraft, Charming and Consulting.*

THE Generall Assembly Taking to their serious consideration the growth of the sins of Witchcraft, Charming and Consulting, notwithstanding the frequent Recommendations for restraining thereof; And remembring that the Generall Assembly 1647, did propose a good way for the tryall and punishment of these sinnes, by appointing conferences with some Ministers, Lawyers and Physitians in that matter which hath never yet taken effect; Therefore the Assembly doth Appoint Masters Robert Dowglas, Robert Blair, Mungo Law, James Hammliton, John Smith, Robert Traill, George Leslie, John Hamilton, John Dunean, Samuel Rutherford, James Wood, John Leviston, James Guthrie, Andro Cant, David Calderwood, John Monereiff, Frederiek Carmichael, James Durhame, Patriek Gillespie, Robert Ker, Ephraim Melvill, *Ministers*, To consider seriously of that matter, and to consult and advise therein amongst themselves, As also with Sir Archibald Johnston of Wariston *Clerk Register*, Mr Thomas Nicolson *his Majesties Advocate*, Mr Alex. Peirson, one of the ordinary *Lords of Session*, Sir Lewes Stewart, Mr Alex. Colvill, and Mr James Robertson, *Justice Deputes*, Mrs Rodger Mowet, John Gilmoir, and John Nisbet, *Lawers*; and with Doctors Sibbald, Cunninghame, and Purves, *Physitians*, severally or together as occasion shall offer; And the Assembly earnestly requests and confidently expects from these learned and judicious Lawyers and Physitians beforenamed, their best endeavours and concurrence with their brethren of the Ministrie for advise and counsell herein, and for conference in the said matter; And Ordaine the said brethren to make report of the result of their consultations and conferences from time to time as they make any considerable progresse to the Commission for publick affaires, And the said Commission shall make report to the next Generall Assembly.

*Recommendation for maintenance of Schoolmasters and Precenters.*

THE Generall Assembly doe humbly Reecom-mend to the Parliament or Committee for plantation of Churches, that whatever either in Paroches of Burghs or Landwart, was formerly given to the maintenance of these who were readers precentors in Congregations, and teachers of Schooles before the establishing of the Directory for publick Worship, may not be in whole or in part alienat or taken away, but be reserved for the maintenance of sufficient schoolmasters and precentors who are to be approved by the Presbyterie; And Presbyteries are hereby required to see that none of that maintenance given to the foresaid uses or in use to be payed thereunto before the establishing of the Directory of Worship, be drawn away from the Church.

*Act concerning persons to be admitted Bursars.*

THE Assembly doe hereby Ordaine That none be sent to Universities from Presbyteries, nor be admitted as Bursars of divinitie, but pious youths, and such as are known to be of Good expectation and approved abilities.

*Reference to the Commission for publick affaires, for re-examining the Paraphrase of the Psalmes, and emitting the same for publicke use.*

THE Generall Assembly Having taken some view of the new Paraphrase of the Psalmes in meetter with the corrections and animadversions thereupon sent from severall persons and Presbyteries, And finding that they cannot overtake the review and examination of the whole in this Assembly; Therefore now after so much time and so great paines about the correcting, and examining thereof from time to time some yeares bygone, that the worke may come now to some conclusion, They do Ordain the Brethren appointed for perusing the same during the meeting of this Assembly, viz. Masters James Hammiltoun, John Smith, Hew Maekail, Robert Traill, George Hutcheson and Robert Lowrie, after the dissolving of this Assembly to goe on in that worke carefully, And to report their travels to the Commission of the Generall Assembly for publick affaires at their meeting at Edinburgh in November; And the said Commission after perusal and re-examination thereof, is hereby authorized with full power to conclude and establish the Paraphrase, and to publish and emit the same for publick use.

*Letter to the Kings Majestie.*

MOST GRACIOUS SOVERAIGNE,

WEE your Majesties most humble and Loyall Subjects, the Commissioners from all the Presbyteries in this your Majesties ancient Kingdome, and members of this present Nationall Assembly, Having expected to finde at our meeting, a gracious and Satisfactory returne to those humble representations made to your Majestie at the Hague, by the Commissioners of this Kirk,



Cannot but expresse our great sorrow and grieve, that your Majesties goodnes has been so far abused, As that not only the just and necessary desires presented by them to your Majestie, which so much concerne the glory of God, your owne honours and happinesse, the peace and safety of your Kingdomes, are utterly frustrated, as wee perceive by the paper delivered in answer to them; but also this Assembly hath not received so much as any signification by letter of your Majesties minde: Which princely condescension had not wont to be wanting in your royall Father, to former Generall Assemblyes, even in times of greatest distance. Our witnesse is in heaven, and record on high, that wee are not conscious to our Selves of any undutifull thought or disloyall affection, that might have procured this at your Majesties hands; And that, as wee doe from our hearts abominate and detest that horrid fact of the Sectaries against the life of your Royall Father our late Sovereigne, So it is the unfained and earnest desire of our soules, that the Ancient Monarchicall government of these Kingdoms, may be established and flourish in your Majesties person all the dayes of your life, and be continued in your royal Family which by divine providence hath without interruption raigned over us and our predecessors for so many Generations since the time that we were a Kingdom, And that there is nothing under the glory of God, and cause of our Lord Jesus Christ, for which wee doe more heartily sollicite the throne of grace, Or would more readily expose unto hazard all that is deare to us in the world, then for this. And now though this very great discouragement might incline us to hold our peace at this time; Yet the tendernes and uprightness of our affection and Love to your Majesties happinesse (which many waters cannot quench) together with the Conscience of our duty which our Lord and Master has laid upon us, in this our place and station, constraineth us, yea, and your Majesties owne goodnesse and gracious disposition, whereof the late Commissioners have given us so Large a testimony, Doth much encourage us, to renew our addresses to your Majestie in this humble faithfull representation, both of the great and growing dangers to your Royall person and Throne, and of these duties, which the Lord of Lords and King of Kings, call for from you, as you would look to finde favour in his eyes, and to be delivered out of your deepe distresses.

Our hearts are filled with fears and troubles, in your Majesties behalf, when we look upon the sad calamities which have been already produced by such wayes and courses, as we perceive your Majestie is entred, and in danger to be further led away into, by the prevalency of evill Councell upon your tender age; Particularly, Your refusing to give satisfaction to the just and necessary desires of the people of God, for advancing the work of reformation of Religion, and establishing and securing the same in your Majesties Dominions, which is nothing else, but to oppose the Kingdome of the Sonne of God, by whom Kings doe raigne, and to refuse that hee should raigne over you and your Kingdomes in his pure Ordinances of Church government and Worship; Your cleaving unto these men as your trustiest Counsellors, who, as they have never had the glory of God, nor good of his people before their eyes, so now in all their wayes and Counsels, are seeking nothing but their owne interests, to the hazard of the utter subversion of your Throne, the ruine of your Royall Family, and the desolation of your Kingdomes; Your owning the practises, and intertaining the Person of that flagitious man, and

most justly excommunicate Rebell, James Graham, who has exercised such horrid cruelty upon your best Subjects in this Kingdom, which cannot but bring upon your Throne, the guiltinesse of all the innocent blood shed by him and his Complices; and above all, that, which we cannot think upon without trembling of heart and horreur of spirit, Your settling of late such a Peace with the Irish Papists the Murderers of so many thousands of your Protestant Subjects, whereby not only they are owned as your good Loyall Subjects, but also there is granted unto them (contrary to the Standing Lawes of your Royall Progenitors, contrary to the commandment of the most high God, and to the high contempt and dishonor of his Majestie, and evident danger of the Protestant Religion) a full liberty of their abominable Idolatry; which cannot be otherwise judged, but a giving of your Royal power and strength unto the beast, and an accession to all that blood of your good Subjects, wherewith those Sonnes of Babel have made that Land to swim.

We do in all humility beseech your Majestie to consider and lay to heart what the mouth of the Lord of Hosts hath spoken of all the accompts of People, Nations, Kings, and Rulers against the Kingdom of his Son, that they imagine a vaine thing and that he that sitteth in heaven will have them in dirision and vex them in his sore displeasure. Consider, how he hath blasted and turned upside downe these yeaes by past, all the devices and plots of those men that now beare the Sway in your Majesties Counsels: Consider how the anger of God has been kindled, even against his dearest Saints, when they have joyned themselves to such men as he hateth and has cursed: Consider, how severely hee hath threatned and punished such Kings as have associate with Idolaters, and leaned unto their helps. Surely great is the wrath of God, whereof you are in danger; And yet the Lord in the riches of his goodnesse, forbearance and long suffering, is waiting to be gracious to your Majestie; To day if ye will heare his voice, harden not your heart, but humble your self under the mighty hand of God, lamenting after him as, for the iniquities of your Fathers house, especially the opposition against the reformation of Religion and Cause of God, the permitting and practising Antichristian Idolatry in the Royall Family it self, and the shedding of so much blood of the people of God, so also, for your owne entering to walke in the like courses in the beginning of your raign. It is high time to fall downe before the Throne of grace, seeking to get your peace made with God through Jesus Christ whose blood is able to wash away all your sins, To walk no longer in the Councell of the ungodly, nor cleave to such as seeke their own things and not the things of Jesus Christ, nor the welfare of your Subjects and Government, but to set your eyes upon the faithfull in your dominions, that such may dwell with you, and be the men of your Councells, To serve the Lord in feare, and kisse the Sonne of God, by a sincere and cordiall contributing your Royall allowance and authority, for establishing in all your dominions the reformation of Religion, in Doctrine, Worship, and Government as it is now agreed upon according to the cleare and evident warrant of the word of God, by the Assembly of Divines at Westminster, and the Generall Assemblyes of this Church; And also, laying aside that service book, which is so stuffed with Romish corruptions, And conforming your owne practise and the worship of God in your Royall Family, to that Gospell simplicity and purity which is holden forth from the word of God, in the Directory of worship, and not only to grant your



Royall approbation to the Covenant of these three Kingdomes (without which, your people can never have from you sufficient security, either for Religion, or their just liberties) but also your selfe to joyne with your people therein as the greatest security under Heaven for your person and just greatness, and to cause all of them stand to it by your Royall Command, according to the practice of that gracious King Josiah, to whom, wee wish your Majestie in these your younger yeares, and this begining of your reigue, to look as to an ensample and Kingly portraect approven of God. These things if your Majestie do ; As wee are well assured, that the hearts of all your good Subjects in these Kingdomes will be enlarged with all cheerfulness to imbrace your person, and submit unto your Royall Government, so wee darre promise in the Name of our Lord, that you shall finde favour with God, peace and joy unspeakable and full of glory to your Soule, and deliverance out of your sad afflictions and deep distresses in due time : But if your Majestie shall go on in refusing to hearken to wholesome Counsels ; We must for the discharge of our Conscience tell your Majestie in the humility and grieve of our hearts, that the Lords anger is not turned away, but his hand stretched out still against you and your Family. But wee hope, and shall with all earnestnesse and constancy pray for better things from, and to your Majestie : And whatsoever misconstruction (by the malice of those that desire not a right understanding and cordiall conjunction between your Majestie and this Kirk and Kingdome) may be put upon our declaration ; Yet wee have the Lord to be our witnesse, that our purpose and intention therein is no other, but to warne and keepe the people of God committed to our care, that they runne not to any course which would bring upon themselves the guilt of highest perjury and breach of Covenant with God, and could not but prove most dangerous to your Majestie and your Government, and involve you in shedding the blood of those who are most desirous to preserve your Majesties Person, and just right in all your dominions. And now wee doe with all earnestnes beseech your Majestie, that you will follow the courses of truth and peace ; And that when there is a doore opened for your Majestie to enter to your Royall Government over us, in peace, with the favour of God, and eordiall Love and imbracings of all your good Subjects, You-will not suffer your selfe to be so farre abused and misled by the Counsels of men, who delight in War, as to take a way of violence and blood, which cannot but provoke the most high against your Majestie, and alienat from you the hearts of your best Subjects, who desire nothing more, than that your Majestie may have a long and happy raign over them, And that they may live under you, a peaceable and quiet life, in all Godlinesse and honesty.

Your Majesties most Loyal Subjects and humble servants the Ministers and Elders convened in this Nationall Assembly of the Kirk of Scotland.

Edinburgh, 6 August, 1649.

THE Generall Assembly not having now time to consider the Reference of preceding Assemblies, and the most part of Presbyteries not having sent their opinions in writ ; Therefore do yet againe recommend to Presbyteries and Provincial Assemblies to consider all matters referred by this or by any former Assemblies, And to send their

opinions therein in writ to the next Generall Assembly.

THE meeting of the next Generall Assembly is hereby appointed to be at Edinburgh, the second Wednesday of July, 1650.

A. KER.

# INDEX of the UNPRINTED ACTS of the ASSEMBLY, 1649.

- 1.—Election of Mr Robert Douglas, Moderator. *Sess. 1.*
- 2.—Act concerning the Commission from Ireland. *Ib.*
- 3.—Committee for Refers and Appeals. *Sess. 2.*
- 4.—Committee for Bills and Overtures. *Ib.*
- 5.—Committee for publick business. *Ib.*
- 6.—Committee for tryall of the Synod Books. *Ib.*
- 7.—Committee for tryall of the proceedings of the Commissioners of the Generall Assembly. *Ib.*
- 8.—Renovation of the Commission for visiting University of Saint Andrews. *Ib.*
- 9.—Recom. Gedeon Morise to the Committee of Estates. *Ib.*
- 10.—Order for speaking the Earl of Abercorne for payment of the bygone stipends of Kilpatrick. *Ib.*
- 11.—Recom. bussines of Ireland to the Committee for publick bussines. *Sess. 3.*
- 12.—Continuation of Generall Major Middleton to the 9 of July. *Ib.*
- 13.—Committee for the Psalmes. *Ib.*
- 14.—Ref. of the Protestation of Mr James Morison to the Committee of Refers. *Ib.*
- 15.—Act Concerning the papers committed by the Parliament for corespondence. *Sess. 4.*
- 16.—Continuation of particular References from the Commission of the General Assembly untill the report thereof be brought in from the Committee of Refers. *Ib.*
- 17.—Committee for considering the Earle of Eglington's Bill concerning Mr James Ferguson. *Ib.*
- 18.—Committee for conference with the Committee of dispatches. *Ib.*
- 19.—Committee for conference with Mr Walter Comrie to satisfie him in his transportation to Luneraray. *Ib.*
- 20.—Continuation of the Lord Ogilvy to the 17 of that instant. *Sess. 5.*
- 21.—Continuation of G. M. Middleton untill Fryday next. *Ib.*
- 22.—Letter to the Brethren of the Presbyterie of Carrickfergus. *Ib.*
- 23.—Continuation of the Commission for visitation of the University of Glasgow. *Ib.*
- 24.—Ratification of the act of the Presbytery of St Andrews concerning the agreement betwixt the Laird of Anstruther and the Parochiners. *Ib.*
- 25.—Act recommending to the Brethren to make out the descriptions of these parts of the Kingdom not yet described. *Ib.*
- 26.—Remitt. Elizabeth Armestrange to the Province of Dumfries. *Ib.*
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- 28.—Recom. Mr Robert Iamesone to the Parliament. *Ib.*
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- 30.—Order for presenting to the Parliament the report of the Commissioners sent to his Majesty, and for printing thereof. *Ib.*
- 31.—Committee for revising a Tactate of Chronologie. *Sess. 7.*
- 32.—Committee for considering the Petition of the Town of Edinburgh for Ministers and professors. *Ib.*
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- 36.—Committee for appointing Ministers to preach. *Ib.*
- 37.—Recom. concerning the Minister of Glen-corse to the Parliament and Exchequer. *Ib.*
- 38.—Approbation of the sentence of deposition against Mr Harie Guthrie notwithstanding of his appeale. *Sess. 9.*
- 39.—Act appointing sumonds to be direct against Mr Harie Guthrie. *Ib.*
- 40.—Approbation of the Depositions of Mr John Allane, Mr Andrew Ieffray, and Mr Harie Schaw. *Ib.*
- 41.—Approbation of the depositions of Mr Alexander Monroe, Mr David Monroe, and Mr Thomas Rosse. *Ib.*
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- 43.—Deposition of Mr Patrick Graham sumtime Minister at Holme. *Ib.*
- 44.—Committee for conference with the Officers that were upon the Engagement. *Sess. 10.*
- 45.—Recom. Mr Alexander Smith for his stipend to the Parliament. *Sess. 11.*
- 46.—Deposition of Mr James Aitkin. *Ib.*
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- 49.—Order for Generall Major Midleton appearing with certifeation. *Ib.*
- 50.—Order for citation of Mr Andro Ramsay and Mr William Colvill. *Sess. 13.*
- 51.—Ref. Mr Edward Wright and Mr Andro Keir to their Presbyteries. *Ib.*
- 52.—Ref. Mr George Haliburton and Mr Archibald Drummond to the visitation of Stirling and Dumblane. *Ib.*
- 53.—Ref. to Commission for publick affaires concerning the providing a Collegue to the Minister of Air. *Sess. 14.*
- 54.—Order for citing of witnesses in the matter of Mr Thomas Ramsay, elder. *Ib.*
- 55.—Reposition of Mr William Cowper to the office of Schoolmaster in Channerie. *Sess. 15.*
- 56.—Approbation of the Deposition of Mr James Lundie. *Ib.*
- 57.—Act and Ref. concerning Mr Walter Swinton. *Ib.*
- 58.—Ref. concerning Mr Patrick Smith, and approbation of his suspension. *Ib.*
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- 60.—Approbation of the suspension concerning Mr Ia. Edger, and Ref. concerning him. *Ib.*
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- 62.—Ref. Mr William Sinclair to the visitation of Dunee. *Ib.*
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- 66.—Continuation of the bussines concerning Mr James Durhames transportation till the morne. *Sess. 16.*
- 67.—Recom. for incarcerating one delated for witchcraft. *Sess. 17.*
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- 70.—Committee for conference with the Earle of Galloway. *Ib.*
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- 72.—Answer to the Petition given in for the Earles of Dumfermling and Lauderdale. *Ib.*
- 73.—Recom. of the relief of umquhile D. Sharpe to the Parliament. *Ib.*
- 74.—Ref. Mr John Logie to the Synod. *Sess. 18.*
- 75.—Committee for presenting overtures and desires to the Parliament, concerning the Mosse troopers. *Ib.*
- 76.—Committee for considering Mr Alexander Smiths condition. *Ib.*
- 77.—Ref. Liev. Col. Ker to his Presbyterie. *Ib.*
- 78.—Ref. concerning Pitfoddells younger, Urquhart of Old Craig, and Thomas Menzies, to the visitation of Angus and Merns. *Ib.*
- 79.—Ref. Sir John Weymes of Bogie to his Presbyterie. *Ib.*
- 80.—Ref. Sir John Mackenzie and Lievtendant Collonel David Weymes to their Presbyterie. *Ib.*
- 81.—Ref. Thomas Rutherford to his Presbyterie. *Ib.*
- 82.—Ref. Liev. Will. Sutherland to his Presbyterie. *Ib.*
- 83.—Ref. Andro Wardlaw to the Presbyterie of Kirkeadie. *Ib.*
- 84.—Ref. certaine persons aecessory to the late unlawful engagement to their Presbyteries.
- 85.—Ref. Augustine Hoseman to the Presbyterie of Edinburgh. *Ib.*
- 86.—Ref. Hary Steuart to the Presb. of Edinb.
- 87.—Ref. Mrs Edward Wright, Andrew Keir, and Robert Keyth to the Presbyterie of Lithgow. *Ib.*
- 88.—Ref. Mrs James Guthrie in Angus, Tho. Pearson, and Silvester Lamie to the visitation of Angus. *Ib.*
- 89.—Ref. Mr George Halyburton and Mr Arch. Drummond to the visitation of Stirling and Dumblane. *Ib.*
- 90.—Recom. the division of Libberton and Quodghen to the Presbyterie of Biggar. *Ib.*
- 91.—Ref. Mr John Crichton to the Presbyterie of Glasgow and Paislay. *Ib.*
- 92.—Ref. the Laird of Kelhead to his Presbyterie. *Sess. 19.*
- 93.—Ref. the Laird of Innes younger to the Presbeterie of Taine. *Ib.*
- 94.—Commission to the Presbyterie of Kelso for examining Margret Ker. *Ib.*
- 95.—Recom. to the Parliament of the Petition of the Commissioners of Argyle. *Sess. 20.*
- 96.—Act appointing some brethren to assist John Greirson in discussing his suspension. *Ib.*
- 97.—The Assemblies addition and their judge-



ment concerning the Petitions which were to have been presented to the last G. Assembly. *Ib.*

98.—Act declaring Mr Alexander Smith to be transportable. *Ib.*

99.—Committee for the collectors accounts and Alex. Blairs bill. *Ib.*

100.—Act refusing the transportation of Mr James Durham to Edinb. *Ib.*

101.—Ref. E. of Galloway to his Presbyterie. *Ib.*

102.—Ref. Major Alexander Forbes to the Presbyterie of Kincardin. *Ib.*

103.—Ref. Col. David Barelay to the Commission for publick affaires. *Sess. 21.*

104.—Committee for considering the matter concerning the transportation of Mr Neill Cameron. *Ib.*

105.—Report from the Committee of appeals concerning Mr John Hay his taking up of his appellation. *Ib.*

106.—Deposition Mr Alexander Keyth. *Ib.*

107.—Ref. E. of Queensberie to his Presbyterie. *Sess. 22.*

108.—Committee to confer with Mr Petrick Hamilton. *Ib.*

109.—Act concerning Mr Patriek Hammliton. *Ib.*

110.—Recom. for assisting the petition of the people of Athole for dividing Paroches and planting of Kirks. *Ib.*

111.—Committee for preparing a report in the matter concerning G. M. Middleton. *Sess. 23.*

112.—Act for citing the E. of Abercorne. *Ib.*

113.—Committee for conference with Mr Harie Guthrie. *Sess. 25.*

114.—Approbation of the report of the Committee appointed to revise the proceedings of the visitation of the university of Saint Andros. *Ib.*

115.—Ref. D. Barron and Mr Thomas Glagge to the Presbyterie of St Andrews. *Ib.*

116.—Ref. Mr Thomas Rosse to the Presb. of Dingwall. *Ib.*

117.—Warrant for printing a Tractat of Chronologie. *Ib.*

118.—Recom. of the Petition to the Parliament for erecting the Kirkes of Fairnie. *Ib.*

119.—Recome. of the Petition of D. Sharps relict to the Parliament. *Ib.*

120.—Ref. Mr Harie Cockburne to his Presbyterie. *Ib.*

121.—Order from citing of Mr Andrew Ramsay and Mr William Colvill. *Ib.*

122.—Act for visiting the Hospitalls and Mortifications. *Ib.*

123.—Recom. for changing the manse of Mr Charles Archibald, Minister at to a more comodious place. *Sess. 25.*

124.—Recom. of the petition of Mr Robert Scot Minister at Ettleston to the Commission for planting of Kirks. *Ib.*

125.—Recom. concerning the disuniting of the paroch of Abirehirdar. *Ib.*

126.—Ref. for the matter concerning the transportation of Mr Neill Cameron. *Ib.*

127.—Act sustaining the Appeal of the parochiners of Northberwick, with an order for citing the Minister and parochiners of Baro to answer in the cause. *Ib.*

128.—Ref. Earle of Abercorne to the Presbyterie of Paislay. *Ib.*

129.—Continuation of the matter concerning Mr Andro Ramsay till the morne. *Ib.*

130.—Continuation of Mr William Colvill till the morne. *Ib.*

131.—Recom. of the petition of the towne of Couper to the Commission for planting of Kirks. *Sess. 26.*

132.—Recom. the Officers come from Ireland to the honorable Estates of Parliament. *Ib.*

133.—Deposition of Mr John Graham sometime Minister at Auchterardor. *Ib.*

134.—Approbation of the sentence of Deposition of Mr David Drumond, sometime Minister at Lithgow. *Ib.*

135.—Recom. Mr John Nairne. *Ib.*

136.—And for giving in the appeals and References to the Assembly. *Ib.*

137.—Approbation of the report concerning the Collectors accounts. *Sess. 27.*

138.—Act in favours of Alexander Blaire. *Ib.*

139.—Act for giving up Mr Hary Guthries appeal upon his desire to cancel the same. *Ib.*

140.—Continuation of Mr Andro Ramsayes business till the morne. *Ib.*

141.—Deposition of Mr William Colvill. *Ib.*

142.—Intimation if any doubt upon the Declaration to come to the Committee. *Ib.*

143.—Order for writing a letter to Mr Theodor Haack for hasting forth the Dutch Annotations upon the Bible. *Sess. 28.*

144.—Deposition Mr Andro Ramsay. *Ib.*

145.—Commission for visitation of the University of Aberdeen. *Sess. 29.*

146.—Recom. Mr Gilbert Mershell for a competent maintenance, to the Commission for planting of Kirks. *Ib.*

147.—Recom. Mr George Clerk for a charitable supplie. *Ib.*

148.—Commission for visitation of the university of Saint Andros. *Ib.*

149.—Ref. to the Commission for publick affairs for planting the place of the provest of the old colledge of Saint Andros. *Ib.*

150.—Committee for examining witnesses in the matter concerning Mr Thio. Ramsay, with an order for citing witnesses not appearing. *Ib.*

151.—Act in favours of Mr William Douglas. *Sess. 30.*

152.—Act appointing Ministers to preach in Edinburgh during the siting of the Assembly. *Ib.*

153.—Ref. Mr James Affleck to the visitation of Angus and Merns. *Ib.*

154.—Committee for considering the petition of the Towne of Stirling. *Ib.*

155.—Act in favours of Mr Thomas Ireland, Minister at Weyme. *Ib.*

156.—Act permitting John Gillon to exercise his gift publicly. *Ib.*

157.—Commission for visiting the Colledge of Edinburgh. *Ib.*

158.—Recom. to the Parliament for reparation of the losses of Mr Alexander Ferreis, Mr Robert Jamesone, and Mr John Keyth. *Sess. 31.*

159.—Ref. Mr Richard Maitland to the visitation of the unversitie of Aberdene. *Ib.*

160.—Act in the matter concerning the Kirk of Dairsay. *Sess. 32.*

161.—Remitt. the matter concerning James Rosse of Banneil to the Presbyterie. *Ib.*

162.—Act exeeming the Presbyterie of Dunkeld from payment of the fortie shillings for the highland boyes. *Ib.*

163.—Ref. John Maxwell younger of Calderwood to the Presb. of Hamilton. *Ib.*

164.—Ref. of the Earle of Athols bill for planting the Kirk of Dunkeld to the visitation of the Presbyterie of Dunkeld. *Ib.*

165.—Commission for visitation of Rosse, Sutherland, and Caithnes. *Ib.*

166.—Commission for visitation of Stirling and Dumblane. *Ib.*



167.—Commission for visitation of Angus and Merns. *Ib.*

168.—Commission for visitation of Dunse and Chrynside *Ib.*

169.—Continuation of the matter concerning the transportation of Mr Iohn Stirling to Northberwick till the morne. *Sess.* 33.

170.—Approbation of the sentence of deposition of Mr William Wilkie. *Sess.* 34.

171.—Suspension of Mr Robert Balcancol with Ref. to the Commiss. for publick affairs. *Ib.*

172.—Recom. Helene Ersken to the Parliament for a charitable supplie. *Ib.*

173.—Reposition of Mr Marten Makilwrae, with a Recommendation to the Synod of Argyle to settle him in some charge in the Ministry. *Ib.*

174.—Ref. my Lord Cochrane to the Commission for publick affaires. *Sess.* 35.

175.—Ref. of the petition of Iames Sanders to the visitation of hospitalls. *Ib.*

176.—Act in favours of Violet Dauling, spouse to Mr George Hanna. *Ib.*

177.—Act refusing the transportation of Mr Iohn Stirling of Northbarwick. *Ib.*

178.—Ref. to the Commission for publick affaires for planting the Kirk to Northberwick. *Ib.*

179.—Committee for conference with the Earle of Lithgow. *Sess.* 36.

180.—Ref. of the Articles for election of Ministers to the Committee for publick busines with intimation to all that have objections to come there. *Ib.*

181.—Act in favours of Mary Hay spouse to Mr Richard Maitland. *Ib.*

182.—Ref. Mr Alexander Monroe to the visitation of Rosse. *Ib.*

183.—Recom. for Mr Alexander Monroe his three hundred merks of augmentation. *Ib.*

184.—Ref. Mr Thomas Ramsay to the visitation of Dunce and Chirnside, with continuation of his suspension in the meane time. *Ib.*

185.—Commission for visitation of the Kirks in the Hieland. *Ib.*

186.—Commission for visitation of Dunkeld. *Ib.*

187.—Recom. Ionet Andro to the Parliament. *Ib.*

188.—Recom. Mr Iohn Rosse to the Presbyterie of Kineardin for supplie out of the vacand stipends. *Ib.*

189.—Order for presenting the Declaration to the Parliament and for desiring that the acts given in may be passed. *Ib.*

190.—Act concerning Kircurds passing from his appeal, and a recommendation to the Presbyterie of Peebles for further dealing with him. *Ib.*

191.—Petition to the Parliament in favours of the laird of Glenurchie. *Ib.*

192.—Petition in behalfe of Doctor Sharps relief to the Parliament. *Ib.*

193.—Letter to their Brethren in Ireland. *Sess.* 37.

194.—Committee for confereuce with Generall Major Medleton. *Ib.*

195.—Ref. certain persons accessory to the late unlawful engagement to the Commission for publick affaires. *Ib.*

196.—Ref. Alexander Urquhart of Craighouse to the visitation of Rosse. *Ib.*

197.—Recom. Agnes Maxwell for a charitable supplie to the Parliament. *Ib.*

198.—Ref. for planting the Kirke of Kircaldie. *Sess.* 38.

199.—Ref. Earl of Lithgow to his Presbyterie. *Ib.*

200.—Ref. for planting the Kirk of Lithgow to the Commission for Publick affaires. *Ib.*

201.—Ref. for planting the Kirk of Stirling. *Ib.*

202.—Ref. for planting the Kirk of Dunce. *Ib.*

203.—Ref. for planting the vauking Kirkes of Edinburgh, and the vauking places of the professors of divinitie there. *Ib.*

204.—Ref. for planting the Kirk of Dunkeld. *Ib.*

205.—Ref. to the Commission for publick affaires concerning the education of the Earle of Athole. *Ib.*

206.—Ref. Mr Colin Mackenzie and Mr David Monroe to the visitation of Rosse. *Ib.*

207.—Act for collecting the history of these latter times. *Ib.*

208.—Recom. of persons for charitie. *Ib.*

209.—Recom. Iulian Wilkie for charitie. *Ib.*

210.—Recom. concerning the Kirk of Bervie to the Commission for planting of Kirks. *Ib.*

211.—Act for wryting to Universities for prosecuting the course of Philosophie. *Ib.*

212.—Recom. Mr Robert Iamesone for some supplie out of the vauking stipends. *Ib.*

213.—Ref. concerning the adjoyning the paroch of Mouth hill to the parish of Glasle to the Presbyteries of Strabogy and Fordice. *Ib.*

214.—Recom. concerning the dividing of the paroch of Turro. *Ib.*

215.—Ref. Lewis Gordon to the Commission for publick affairs. *Sess.* 39.

216.—Ref. William Innes of Tippetoe to the Presbyterie of Allane to be relaxed. *Ib.*

217.—Petition to the Parliament concerning exacting Oathes in the cases of custome and excise. *Sess.* 40.

218.—Commission for visitation of Rosse. *Ib.*

219.—Commission for visitation of Orkney, Zetland, Sutherland, and Caithnes. *Ib.*

220.—Act concerning the payment of la. Murraes dewes. *Ib.*

221.—Recom. to Mr Iohn Smith and Mr Iames Hamilton to draw some articles concerning the duties of Elders. *Ib.*

222.—Ref. Vicount of Kenmure. *Ib.*

223.—Ref. Doctor Strange. *Sess.* 41.

224.—Ref. concerning the modification of Alexander Guthrie to the visitation of Angus and Mernse. *Ib.*

225.—Act and Recom. to the Magistrates of Edinb. for repairing of the Assembly house. *Ib.*

226.—Ref. to the Commission for publick affaires to provide some way for Ministers to say Prayers to the Lords of Session. *Ib.*

227.—Ref. to the Commission for publick affaires for providing a minister to the Castell of Edinburgh. *Ib.*

228.—Directory for election of Ministers. *Ib.*

229.—Ref. Mr George Hannay to the Commission for publick affaires. *Ib.*

230.—Ref. and Recom. to the Commission for satisfying the paines of the writer of the paraphrase of the Psalms. *Sess.* 42.

231.—Ref. concerning G. M. Midleton to the Commission for publicke affaires. *Ib.*

232.—Act concerning the University of Saint Andros during the vacation of the provests place of the old Colledge. *Ib.*

233.—Recom. to the Presbyteries in the North to compt with the Laird of Eight upon the fines of excommunicate persons to be applied to pious uses and to report to the next Assembly. *Ib.*

234.—Act appointing Ministers for the Army. *Ib.*

235.—Ref. Rorie Mackenzie to the visitation of Rosse. *Ib.*

236.—Ref. Mr William Colvills paper to the Commission for publicke affaires. *Ib.*



237.—Recom. Presbyteries and Synods to send any informations they can give concerning the passages of these times to the Moderator. *Ib.*

238.—Recom. for sending the contribution of 40s. for the Highland boyes to the Collectors. *Ib.*

239.—Ref. to the visitors of Argyle for distribution of the money formerly collected. *Ib.*

240.—Exemption of Dunkeld of the collection for Argyle. *Ib.*

241.—Act for continuation of the allowance for dispatches to the next Assembly, with a Recom. for conferring with my Lord Regester and the Clerk about the person to be employed in that charge. *Ib.*

242.—Recom. to the Commission for publick affaires concerning the settling of Mr John Menzies, in the profession of Divinity at Aberdene. *Ib.*

243.—Ref. for appointing a second Minister in Perth to the Commission for publick affaires. *Ib.*

244.—Ref. and Recom. Mr William Chalmres to the Synod of Aberdene concerning the supply of his necessities. *Ib.*

245.—Declaration concerning the Act granted in favours of Mr Richard Maitlands wife. *Ib.*

246.—Ref. of the petition of the Earle of Sutherland, in name of the Presbyterie of Sutherland. *Ib.*

247.—Recom. Mr John Keyth to the Parliament. *Ib.*

248.—Recom. for dividing the paroch of Ferne to the Commission for planting of Kirks. *Ib.*

249.—Recom. the disjoyning of the lands of over and nether Dyserts from Brichen to the Commission for planting of Kirks. *Ib.*

250.—Causes of a public fast. *Ib.*

251.—Commission for considering the obstructions of pietie and the remedies for removing thereof, and to report to the next Assembly. *Ib.*

252.—Recom. to the Parliament for punishing counterfeit Testimonials. *Ib.*

FINIS.

### Miscellaneous Historical Documents,

RELATIVE TO THE ECCLESIASTICAL AND POLITICAL  
EVENTS IN SCOTLAND—1649.

#### 1. *Excerpts from Principal Baillie's Letters.*

*To Mr Spang. Edinburgh, February 7, 1649.*

One act of our lamentable tragedy being ended, we are entering again upon the scene. O! if it might be the Lord's pleasure to perform more happy and comfortable actions than have appeared these years bygone. To the great joy of all, in the midst of a very great and universal sorrow, we proclaimed, on Munday last, the Prince, King of Britain, France, and Ireland. We have sent the bearer, a worthy gentleman, to signify so much to his Majesty at the Hague. We purpose speedily to send an honourable commission from all estates. The dangers and difficulties wherewith both his Majesty and all his kingdoms at this time are involved, are exceeding great and many. The first necessary and prime one (as all here, without exception, conceive) doth put his Majesty and his people both in a hopeful proceeding; and his Majesty's joining with us in the national covenant, subscribed by his grandfather K. James, and the solemn league and covenant, wherein all the well-affected of the three kingdoms are entered, and must live and die in, upon all hazards. If his Majesty may be moved to join

with us in this one point, he will have all Scotland ready to sacrifice their lives for his service. If he refuse, or shift this duty, his best and most useful friends both here and elsewhere, will be cast into inextricable labyrinths, we fear, for the ruin of us all. We know Satan will not be wanting to stir up ill instruments to keep him off from a timeous yielding to this our most earnest and necessary desire; but as it is, and will be, one of all Scotland's strong petitions to God, to dispose his heart to do his duty without delay; so we will acknowledge ourselves much obliged to any, whom the Lord may honour to be the happy instruments of his persuasion. Many here remember, and are sensible of your great and happy labours, for the clearing of our proceedings, from the very first commotions among us. We trust you will not refuse to be at any needful pains, at this so hard a time, for the service of God, your King, and country, and all the churches here, in their great distress. I wish you made a voyage to the Hague, and dealt with our good friends, Dr Rivet and Dr Spanheim, to insinuate to the King their wholesome advices. Some, as Vossius, Apollonius, and others there, understand so much of our proceedings, that a small desire from any interests would move them to contribute their best helps for his Majesty's information.

I recommend it therefore most earnestly to you, to bestir yourself in a private elauculary way to further this work. If your, or any other men's labours be blessed of God to work the present, you will find all here (I shall answer for it) ready to acknowledge, as becomes your pains, by such testimonies, in due time, as shall give you satisfaction. What you do must be done quickly; for every hour's delay prejudgeth (we know not how much) his Majesty and all his dominions.

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*Mr Spang to Mr Baillie.*

Ye desire me to hasten to the Hague, and deal with such who are like to have credit with the King's Majesty, for persuading him to do what you require of him, viz. to join with Scotland in both the covenants. The persons whom you designed were either absent out of Holland, as Dr Rivet, Apollonius, or such who are not of credit with courtiers, or such who are known to make use only of the court-favour for their private ends; and therefore I did bethink myself of another mean to effectuate that end, which was, by addressing myself to the Prince of Orange his Highness. For this purpose, I took pains to inform myself, the best I could, of the present posture of counsels suggested to the King's Majesty, and the reasons for them; and I found, that all these designed by our late Sovereign to be his four counsellors while he was Prince of Wales, viz. Cottington, Andover, Culpepper, and Hyde, advised he should go directly for Ireland. This did James Graham urge also with great vehemency; and if that would not prevail, others were of advice, that the King was to come to Scotland *armata manu*, because no trust could be given to such who were leading men in our parliament; partly, because they thought there was reason to suspect the sincerity and reality of some who used such a fair invitation only to get the King in their power, whose advancement they thought never more to procure than they did his father's; partly, because they thought, that though these who invite him do really intend, yet they are not able to maintain him against the English usurpers, if they do not recal their late acts against such who have had a hand in the engagement, and join all their powers together. But this, say they, they



will never do, and so they shall not be able to protect the King; but being straitened by the English, will be content to buy their peace with quitting the King. And here, to make this probable, pregnant instances are brought in of my Lord Chancellor's papers against the delivery of the King to the parliament, pressed by unanswerable reasons, which yet were neglected altogether, by delivery of the King within few months after. The other instance was, of the treating of our commissioners with the late King at the Isle of Wight, and our not performing our promise accordingly. But there is a third party, who, though they be not of the King's council, yet, out of love to him and their country, rejected the two former projects as bloody, to the utter ruining the King and all Protestants; and did by all means labour to persuade his Majesty to go to Scotland, upon the very same terms they did require; that if he did not go, and that hastily, with a resolution to seal the covenants, he would alienate the hearts of all the Protestants in all his kingdoms from him: and this was pressed by the Earls of Lauderdale, Callendar, and Lanerk, with such evident self-denial of their own interests, as being grievously censured by this present parliament, that had the King been left to himself, it was thought he could not but follow their advice. This honourable carriage of these three noblemen I can bear witness unto, as having heard them protest it in private, and understand it from others also, who are our enemies, and do curse the hour they have been cast here to spoil the game they thought sure. Believe me, I do acknowledge the good providence of God in casting them here at this time. They have done more good than if they had been sitting in parliament.

My next was, to find out whereto the Prince of Orange was inclined. For this purpose, I went to two of the States Generals, of whose intimacy with the Prince's councils all men did speak. I found them not only clear in their own judgement for the King's going to Scotland, and embracing the covenant, but that this also was the Prince's mind. From them I went to sundry others; but from none did I get surer information than from the Lord Beverweert, Governor of Bergen-op-zoom, natural son to Prince Maurice, a nobleman truly pious, and of a public spirit, resolute to employ his credit for religion, and of high account with the Prince, in whose councils he has chief influence.

Now having found whereto the Prince inclined, my next thoughts were to understand so much out of his own mouth, and to confirm in him what good resolution I should find in him; especially to remove some scruples and objections, wherewith many told me he was daily assaulted. For this end, a countryman of ours promised to bring me to the Prince; but performed it not, or at least would have me to wait so long upon it, that I should be made to think it some great favour; for this court-policy, I learned, which made me resolved to go in my old way, and by the mediation of one of his Highness's counsellors, I was brought into him, and had the freedom of a long hour's speech, where I found God's assistance and blessing; his assistance, in enabling me both with words and matter, for it was in Dutch; and his blessing, in making the Prince so attentive to what I said, so desirous to know the true grounds of things, so apprehensive, and so fully resolved with us for his Majesty's going to Scotland upon the conditions proposed. I shall give you a short and compendious account of what passed then.

After I had thanked his Highness for his favour

in granting me so ready audience, and desired to know if I might, with his good liking, propound what I intended in Latin or English, rather than Dutch, he desired me to do it in Dutch. Then I first condoled the parricide of our late King his father; "showed how it was abhorred by the estates of our kingdom; how, contrary to our covenant, the end of which, among other things, was the safety of the King's person; how not only the state had proclaimed his son to be their King, but the ministry in the kingdom also, according to their places, had done their duty, and had given assurance of their loyal affection to our present King, by their letters to him, and by their care that he may be persuaded to shun the wicked counsels which drove his late father to such counsellors; that they had given me orders to deal with all who could contribute any thing to the advancement of this good work; and that I could look upon none from whom I had reason to expect more good than his Highness, who, by being instrumental therein, would gain greater honour than by gaining of towns," &c.

He answered, "That there was nothing more acceptable to him than that he was looked upon as one who would employ himself for the advancement of religion, and that now, if ever, the reformed religion was in danger; that there were no probable means to prevent the utter extirpation of it, but by espousing the young King's quarrel; and that he, for his part, could not but pity the young King, torn as it were betwixt such contrary counsels; that the reasons produced by all parties seemed to be specious, yet how fair soever men did shew, he thought it madness for a Protestant to chuse rather to trust to a Papist, than a Protestant who minded truly." "And if ever," said I, "any state minded truly, it is our present state; their hastiness in proclaiming, that cheerfulness of all joining together, do witness this; and now their readiness to espouse the King's cause, if he first will espouse God's cause, though they know any undertakings of this kind to be joined with great dangers." "But what," said he, "may be expected of the ministers?" And here he spoke much of the great influence their advice has on the estates. To this I answered, "That whatsoever any Prince can expect of good subjects, that may our King look for at the hands of the ministers, if he employ his power for the honouring of God; and that all the power they have in the hearts of the people will be for the King's advantage." Here he spoke something of the great preciseness of our ministers, who would not be content with that about religion which our late King had granted, and wherewith the parliament of England was well nigh satisfied. Here I was ready to have answered; but he passed this, and spoke of the conditions we require of the King, viz. his accepting and entering into the covenants. And I, at his desire, having explained what these covenants were, and how distinguishable. "Then," said he, "he will be easily brought to subscribe this covenant which concerns Scotland alone;" (he meant our national covenant;) "but the other covenant betwixt Scotland and England, he feared should find greater difficulty: 1. Because all the King's counsellors, viz. these four English, would be against it: 2. Because it required a delivery up to justice those who are called malignants: 3. Because, as by subscribing it the King would please us, so he would displease the Papists in Ireland, and all foreign Popish princes, who will not be so foolish as to favour him, whose advancement is the ruin of their religion in his dominions. Other reasons," says he, "are urged, and I shall propound them ere ye



go." So I began to answer : and, first, "I shewed, that the first covenant of Scotland only provides as great security for religion as the second doth ; and therefore the King's counsellors, who advise him to subscribe the one, and not the other, for fear of displeasing the Papists, speak they know not what ; for there is not a Papist who is not more displeased with the first than with the second." And he asking, "Why are the King's counsellors so much against it?" I answered, "That they durst not do otherwise than dissuade our young King from the solemn league, since they had ever dissuaded his father from it. If they would now change, the young King, and your Highness, who are so greatly interested, should have reason to look upon them as men whose consciences did condemn them for abusing the father." Here I took occasion to represent to his Highness, "the great inconvenience of the abode of such counsellors about the King's person ; that if a course was not taken to banish them from his presence, they would readily prove as unhappy instruments to the son as they have been to the father ; and that they, or any who advise the King to slight the preservation of Scotland, and to go to Ireland, choosing rather he should not reign than that they should not reign with him ; men of whose religion, the world, to this hour, was never satisfied." So far as I could mark, his Highness seemed not to be displeased with this. "As for the King delivering up of all malignants to justice," I answered, "the covenants do not require that all malignants should be punished, but only tried, and left to the judgement of the parliament." "But," says he, "ye call any man a malignant whom ye please, though he profess he adheres to the covenant, and all his aims are for the ends of it." Here he brought in, for instance, the acts of our present parliament, declaring all who had any hand for the engagement incapable of any place of trust during their whole lives ; "and yet," says he, "the world did read their declaration, which spake very fair, and the parliament did own that work : I would therefore gladly know who are the malignants ; for I find, that there is no argument that so works upon his Majesty as that." Here I profess I was at a strait. For to have given him such a character of a malignant as the commissioners of the general assembly did give some two years since, that would not have served the turn, the case being now altogether altered, is so far, that he is to be thought more a malignant who approveth the bloody acts of that treacherous crew, now usurping the name of a parliament in England, than any who did ever fight against them ; and therefore I came to the distinguishing of malignants, "some whose aims appeared evidently to be for their own selves, either that they might abide in a capacity to tyrannize over their fellow-subjects, or to raise their fortunes, already desperate, by the publick troubles. Such malignants were justly unpardonable ; and they had none to blame for the ruin of their families and themselves but their own obstinacy. As for others, in whom it doth appear, that private and by-ends have not set them a work, their case is pitied ; and it has ever been the custom of the parliaments of Scotland to fail rather in too great elemency than cruelty." "Well," says the Prince, "if ye that are ministers will not employ your utmost credit for uniting of all your country, (I mean not," says he, "of such who have been bloody obstinate enemies to you,) ye may lose both yourselves and the cause ; and I know there is nothing that should more confound the counsels of all your enemies, than to see you forget quarrels among yourselves ; for this, they

say, How can Scotland, thus divided, be able to do any thing of moment, since the forces of the party which now rules are but little enough to suppress their enemies ; I therefore do as earnestly recommend this to you, that you would acquaint your ministers with it, as they by you do recommend their business. If I did not think it tending to the enabling of you to make your party good, I should not open my mouth about it." Here he enlarged himself very pertinently and full upon the project of an act of oblivion ; and told me, "That the party who now rules, will not be so ill advised as to reject this motion, if they would but consider how suddenly things may be changed." I assure you he could tell me faults committed in our private government, whereof I was wholly ignorant, which he says he learned from the English council, when they were debating about the very lawfulness of our Scottish parliament, whether lawfully indicted, maintaining strongly, that their committee, who called it, had no power, because they had not subscribed the acts of the former parliaments ; "but," said he, "I quickly crushed such a motion in the very shell."

"But," says he, "the King, by subscribing that covenant, will disengage all Papists from his service, both in Ireland and elsewhere, and all but Presbyterians ; for it obliges the King to root out Papistry every where in his dominions, which he is not able to do in the condition wherein he is." I answered, "That same argument our late Sovereign used ; but how damageful his going about to please Papists was, doleful experience has taught, for Ireland especially. It has been that which has withdrawn the party of the Protestants from him more than any thing else. And what advantage took the Irish Papists at the King's weakness ? When they capitulated with him, what little performances did the King find of their big promises ? and since ever he began to meddle with them, did not his condition decay daily ? That the condition of Protestants called Presbyterians, in Great Britain and Ireland, is not so mean, but if the King would cheerfully join himself to them, as *caput et vindex fœderis*, there would be no doubt of great and good success. As for the particulars, how much they could do, I durst not take it upon me to speak out. I was sure, that in all Scotland there was not a man who would not be for the King ; and for one Independent, there would be found three Presbyterians ; and the rest, being either hierachical men, or Papists, if they would not assist the King, they would far less assist the traitorous sectaries." "I perceive," says his Highness, "what ye mean ; but how many Presbyterians soever there be, if ye live at a distance, as I hear ye do now in Scotland, ye will be able to do nothing at all. It is a work fitting your calling to unite the hearts of all the great men whom you know to be Protestants." And here I suspecting, that it might be his Highness did mean Montrose, as they call him, who is frequently at court, and more familiar with many than welcome, I said, "I hoped his Highness did not mean of that man, whose apostacy, perjuries, and unheard-of cruelty, had made so odious to all in our country, that they could not hear of his name." He presently gave me to understand, that he meant not him, or any such ; for by the comportment of our Scottish noblemen at court now, he perceives how odious James Graham must be at home ; for they will not salute or speak to him ; nay, not look where they think he is : and this I have observed with my own eyes. At last, having answered all his questions, I repeated my desire, and humbly prayed his High-



ness to continue in that holy and wholesome resolution; and to improve his credit with our King, that a satisfactory answer may be given with all haste, shewing the danger of delay.

"But," said he, "when will the commissioners come to his Majesty?" I answered, "I thought not until the gentleman returned with an answer to Scotland." He asked me, "If I knew who they should be?" I answered, "I knew not." "Will any ministers come?" said he. I answered, "That I questioned not but some would come who would be able to satisfy all his Highness's scruples better than I possibly could." "I wish," says he, "some ministers would come, for several reasons." I replied, "That they shall come the more cheerfully, when they shall understand how much your Highness doth engage yourself for persuading the King's Majesty to go to Scotland, with a resolution to subscribe both the covenants." Then said the Prince, "Ye may confidently assure them, that I shall do my utmost endeavour; and come ye to me to-morrow, and I shall tell you what you may expect."

So away went I, and to-morrow, being admitted to his presence, he told me, "He had made it his work yesternight to persuade the King's Majesty, that the resolution was taken to satisfy the desires of the parliament of Scotland, and that in all haste, letters were to be written of that in answer to what the King received." And here again he recommended the care of uniting all our noblemen in one, in passing by what faults have been the last year; and told me, it should be most welcome news to him, if I should let him know that any thing was done in reference to this.

Thus, cousin, ye have the substance of that discourse, by which ye may see I have obtained the end of your letter, and that in a fitter way than ye prescribed. I most earnestly intreat you, that you would represent to the reverend brethren of the commission, how much the fame of rigidity, used by them against the last year's engagers, is like to endanger the reputation of our kirk abroad, and like also to make presbyterial government hateful. My heart trembles when I think of this; for I am certainly informed, by a printer, that that infamous person, who goes under the name of —, has a big volume ready, of the late practices of the Scottish kirks in the exercise of discipline, which ye may think are willingly furnished to him by some banished Scotsman. 2. That all lovers of our cause and nation do unanimously judge, that there are no probable means of our safety, if we unite not, and pack not up all quarrels amongst ourselves; if there be not an amnesty for the last year's engagement; for such had reason to challenge the English army overpowering the parliament, for breach of covenants, and that your fears of mischief against the King were not causeless, he is blamed who shall not. If there were faults in the compassing your votes, as I doubt not but there have been very great ones, yet let not desire of justice against these circumstantial failings, lead us to seek the ruin of these men; or, by excluding them from government, deprive the kingdom of their abilities, and weaken ourselves so, that we shall not be able to oppose these treacherous and bloody sectaries to purpose. If any of our reverend brethren had been here to have been ear-witness what three of these Lords, now put in our first classes, did here, in opposition to the English council and Montrose, and all others who were for Ireland, sure I am you would have blessed God who brought them hither in this nick of time. If any commissioners shall come, I entreat you, see that some of the ablest

of our ministers come also, who may be able to stand against Dr Stuart and such like, if occasion should serve, and may serve for the honour of our kirks with the Dutch also. \* \* \*

March 19, 1649.—You are not disappointed of your hopes of noble Lauderdale and Lanerk, and I assure you of the Earl of Callender, who told me, in plain terms, that the King may with greater assurance confide in these who now rule with you than in others; ye know whom I mean. If ye come hither, and do not bring a full rescinding of what the parliament has decreed against them, ye will be looked upon as most ingrate men; and none would be more glad of your misery than the English malignants and James Graham, because they do and have so opposed their plots. Likewise, it would be needful that ye remitted much of that rigor which, in your church-assemblies, ye use against ministers who have proven your great friends ever before. It will be better to let your sails fall somewhat lower in time, before a storm compel you; or ye, who think God so highly glorified by casting out your brethren, and putting so many to beggary, making room through such depositions to young youths, who are oft miscarried with ignorant zeal, may be made, through your own experience, to feel what it is, which now, without pity, is executed upon others. Generally the great power which the commission of the kirk exercises, displeaseth all. It is but an extraordinary meeting, and yet sits constantly and more ordinarily than any synod; yea and without the knowledge of provincial synods and presbyteries, deposes ministers, enjoins *pro auctoritate*, what writs they please to be read, inflicts censures upon those who will not read them. If the kirk of Scotland look not to this in time, we will lament it when we cannot mend it. They say four or five rule that meeting; and is not the liberty of the kirk come to a fair market thereby? We have an act, that nothing shall be brought to a greater meeting which has not first been treated of in a smaller; but now your compend of the general assembly, or deputies of it, at the first instance, judge of matters which might be better handled in lesser meetings. For God's sake, look this course in time be stopped, else the commission of the kirk will swallow up all other ecclesiastick judicatories, and such ministers who reside in and about Edinburgh, shall at last ingross all church-power in their hands. I know their is a piece of prudence hereby used, to get the power in the hands of those who are good; but what assurance, have we but what they may change, or others, following this course, creep into their places? We meet with daily regrets that the ancient ministry are condemned, and the insolence of young ones fostered, the very forerunner of Jerusalem's destruction. The Lord make us wise in time.

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You will do well to consider of the letter, which anno 1646, the assembly wrote to our late king; for the Independents make it a part of the rule they walked by. And, 2dly, They say, that in your last assembly, you have declared that these words of the covenant, where ye speak of defending the king's person and authority, in defence of religion and liberties, are explained to be a limitation and excluding your obedience to him, except in such acts. And what say these bloody Independents? "Their putting the King to a violent death is not against the covenant; for they have put him to death, not for his defending religion, and the parliament's liberties, but for going about the overthrow of both." Think of this.  
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*The Commission's letter to the King, with Sir Joseph Douglas. Edinburgh, February 7, 1649.*

May it please your Majesty,

As we did always acknowledge your royal father his just power and greatness, and poured forth our supplications and prayers to God on his behalf, and do abhor these unparalleled proceedings of sectaries against his Majesty's person and life, so we do willingly and cheerfully acknowledge your Majesty's most just right of succession to reign as king over these kingdoms; and do resolve, in the power of the Lord's strength, to continue in prayer and supplication for your Majesty, that you may fear the great and dreadful name of the Lord your God, and reign in righteousness and equity, and the Lord's people under you, live a quiet and peaceable life, in all godliness and honesty.

These kingdoms, now for many years past, have been involved in many calamities and confusions, by which the Lord's work hath been obstructed and retarded, and the blood of his people shed as water spilt upon the ground; and we cannot but look upon the counsels of the ungodly as a main cause of all these evils. It hath been the cunning of the Popish, Prelatical, and malignant party, to traduce Presbyterian government, and the Solemn League and Covenant, as destructive to monarchy, and with so much wit and industry they manage those calumnies, that your royal father, to our exceeding grief, was kept at a distance, in his judgement, from these things that do much concern the kingdom of Jesus Christ, the peace and safety of these kingdoms, and the establishing of the king's throne, and was estranged in his affection from them who tendered his person and authority.

And seeing the Lord now calls your Majesty to succeed to one of the greatest and most important employments upon the earth, which is much heightened by the present condition, it is our earnest desire your Majesty, in the name of the Lord Jesus, whose servants we are, that you would not only shut your ears against calumnies, but avoid the company, and shun the counsels of the ungodly, who study to involve your Majesty's interest, and that which concerns the preservation of your royal person, and the establishing of your throne with their private interests and ends, and to make your loyal subjects odious, that they only may be gracious; and that your Majesty would avoid all the temptations and snares that accompany youth, and humble yourself under the mighty hand of God, and seek him early, and labour to have your senses exercised in his word; and that your Majesty would establish Presbyterian government, and allow and injoin the Solemn League and Covenant, and employ your royal power for promoting and advancing the work of uniformity in religion in all your Majesty's dominions. It is by the Lord, who bears rule in all the kingdoms of the sons of men, that kings do reign; and whatever carnal policy suggest to the contrary, there is nothing can contribute so much for securing the kingdom in their hand, as being for his honour, and studying to do his will in all things. Therefore we know not so sure and speedy a way for securing of government in your Majesty's person and posterity, and disappointing all the designs of enemies, both on the right hand and on the left.

We trust it shall yet afterwards be no grief of heart to your Majesty to hearken unto us in these things, (we have hitherto obtained mercy of God to be constant to our principles, and not to decline to extremes, to own the way either of malignants or sectaries, and we were faithful and free with your royal father, would to God he had hearkened

to our advice.) The Lord grant unto your Majesty wisdom to discern the times, and to make use of the opportunity of doing acceptable service to God, and engaging the hearts and affections of your people in the beginning of your Majesty's reign, by condescending to these necessary things; so shall the Lord bless your Majesty's person, establish the throne, and our spirits, and the spirits of all his people in these lands, shall, after so many years of affliction, be refreshed and revived, and encouraged certainly to pray for your Majesty, and to praise God on your behalf; and in their places and stations, by all other suitable means to endeavour your honour and happiness, that your Majesty may reign in prosperity and peace over these kingdoms; which is the earnest desire and prayer of

Your Majesty's loyal subjects and humble servants,  
The Commissioners of the general assembly.

*Excerpt Letter to the Commission, from Holland.  
Hague, April 3, 1649.*

The commissioners of parliament found it necessary to give in, as previous to their desires, a paper, for removing of James Graham from court. His Majesties answer under his own hand, was, That he desired and expected all our propositions together; to which he hoped to give a satisfactory answer. With this we were not content; but pressed again our desire. The commissioners of Parliament by another paper, and we also by one seconded theirs, a copy whereof we send you herewith. The King's second answer was an abiding in the first. We had all of us some discourse with his Majesty about the equity and necessity of that our desire; but James Graham hath so many and so powerful friends in the English council, that as yet we cannot get the King to discountenance him.

On Saturday morning we delivered to his Majesty the National Covenant, the League and Covenant, the Directory, the Confession of Faith, the Catechism, the Propositions for government, bound together in a book so handsome as we could get them. We spoke something on the matter, and desired of his Majesty more frequent and private conferences; who shewed his willingness, and promised to send to us to advertise of his fittest opportunities.

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The most part of the council are averse from our desires; yet we have our friends. His Majesty is of a very sweet and courteous disposition. It were all the pities in the world but he were in good company. We hope he is not so far rooted in any principle contrary to us, but that, by God's blessing on our friends labours, he may be gotten to do us reason, whatsoever our fears be for the present. There is a very evil generation both of English and Scots here, who vomit out all their evil humour against all our proceedings. The peace of France, and an unhappy book, *Eizōn Basileus*, does us much prejudice. Also the supposed death of Huntly is wrested to our disadvantage. Dr Bramhall of Derry has printed the other day at Delft a wicked pamphlet against our church. We have no time, nor do we think it fit, to print an answer; but by the grace of God, shall endeavour, with all faithfulness and diligence, to go about our instructions.

*My Speech to the King, spoken at the Hague, March 27, in the King's bed-chamber, Tuesday, three o'clock in the afternoon.*

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We do declare, what in our own breasts often we have felt, and generally in the people among whom we live, have seen with our eyes an mournful sor-



row for that execrable and tragick parricide, which, though all men on earth should pass over unquestioned, yet we nothing doubt but the great judge of the world will arise, and plead against every one, of what condition soever, who have been either authors or actors, or consenters, or approvers, of that hardly expressible crime, which stamps and stigmatizes, with a new and before unseen character of infamy, the face of the whole generation of sectaries and their adherents, from whose hearts and hands that vilest villany did proceed.

We do also profess, in name of them who have sent us hither, the great joy of all sorts of men in our land for the immediate filling of the vacant throne with your Majesty's most gracious and hopeful person, earnestly praying, that the light of the Lord's countenance may shine so bright upon your Majesty's reign, that the very thick clouds of our present dangers and fears may flee away, and a new morning may spring up, to all your three kingdoms, of greater peace and prosperity, of more righteousness and virtue, especially of more religion and piety, than hath been seen in the days of any, the most pious, the most just, the most prosperous, of all your numerous ancestors.

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*Mr Robert Baillie to Mr R. Douglas. April 3, 1649.*

As yet our fears are great of a sore storm to Scotland; yet yesternight I learned from a great person here, that our affairs, blessed be God, are not desperate. There is no Scotsman that is of the King's council. The five or six English that are, Cottington, Culpepper, Hyde, Long, and some more, are divided. The most are of Prince Rupert's faction, who caress Montrose, and press mightily to have the King to Ireland. Culpepper, and some bedchamber-men, as Wilmot, Biron, Gerard, and the master of the horse, Piercy, are of the Queen's faction, and these are for the King's joining with us; but all of them are much averse from the league and covenant. The Prince of Orange, and by him all the nobles here, are for the last; and by their means we are hopeful yet to carry his Majesty to our covenant, and the most of our desires for religion; but I dare not promise so much: yet the greatest stick, I suspect, shall be our severe acts of parliament. It seems all here, even our best friends, will be peremptory for a greater mitigation than, I fear, shall be granted by you there. It were verily a great pity of the King. He is one of the most gentle, innocent, well-inclined princes, so far as yet appears, that lives in the world; a trim person, and of a manly carriage; understands pretty well; speaks not much; would God he were amongst us. I send you herewith the copy of what I said to him. Because it was but a transient speech, I give out no copies of it here at all; yet that we spoke so, it did us much good; for heavy slanders lay upon us here, which the report of our speeches helped to mitigate. Our enemies have great hopes, by the French peace, to get powerful assistance from France. I verily think, if the King and we shall agree, assistance shall be got from this state, and the Marquis of Brandenburg, and some others, for good purpose. I pray God guide you there to put no more impediments to our agreeance than are necessary. My heart bleeds to think of a necessity for Scotland to have any friendship for the English sectaries, the worst of men, and a war with our King and countrymen in our own bowels. What relaxation you may grant, with conscience and safety, let it be done freely and publickly with this express. It will admit of no longer delay. \* \* \*

*For Mr William Spang. September 14, 1649.*

— I thought to have sent you a particular account of the general assembly as I had done of some others; but the diary I wrote in the time, I lost; so I cannot now do it; neither were there much in it worth the remembrance. The leeting of two for the moderator fell to Mr Robert Douglas, the ante penult moderator; Mr Gillespie, the last, was departed, and Mr Blair never thoroughly well since his English journey. He was not able to come to Edinburgh, whereof I was very sorry. The two Mr Robert leeted were, Mr Andrew Cant in earnest, and Mr Mungo Law for a fashion. The three the assembly added were, Mr Robert Douglas, Mr John Livingston and, by equal voices, Mr David Dickson and me; so, without question, the voices for moderation fell on Mr Douglas, whereof my heart was exceeding glad; for I was very feared for it, and it had done me great hurt. The committees were framed according to the custom by the moderator and clerk in private, and read at the next session, without any change considerable. We spent very much time; whole five weeks: I thought a fortnight less might have done our turn. Transports took up much time, and deposition of ministers. There had been divers commissions, east, west, north, and south, who had deposed many ministers, to the pity and grief of my heart; for sundry of them I thought might have, for more advantage every way, with a rebuke, been kept in their places; but there were few durst profess so much; and I, for my ingenuous freedom, lost much of my reputation, as one who was inclining to malignancy.

My speech to the King, speaking so sharply of his father's death, and the commendations I gave to himself, in the preface of my book, but especially a passage of a letter wrote from Holland, wherein, to a familiar friend, I spoke of the act of classes as so severe, that it will be needful to dispense with some part of it for the peace of the country: For these things, before the assembly, sundry spoke of me all their pleasure; yet I comforted myself in this, that I knew I was far from the calumny imposed, and that all the wise men I knew professed their agreement with me in the three things named. My unacquaintance with obloquy made my skin at this first assay more tender than needed; for I had so oft in print declared mysense against, not sectaries alone, but malignants also, and that so liberally, in my last book, that I thought in reason I should have been reputed above all suspicion of that crime; yet I was necessitated to drink more of that eup than I did truly deserve: for however in my sermon to the parliament I was as clear as needed, and in my report of our treaty obtained the unanimous approbation and thanks of the whole assembly, now in print; yet I behoved, in sundry voices of the assembly, either to quit the liberty of my mind, or endure the whisperings of my malignancy to continue. This last, though to my great grief, I behoved to ehuse. I could not vote to depose Mr William Colvil upon his libel. The man indeed had, in my judgment, been an evil instrument in time of the engagement; yet all that was libelled against him was for mere silence in that engagement. For that alone I could depose no man, for the reasons I gave in the committee of the former assembly, when that act passed to depose for silence alone, if continued in. My mind did never go along with that act; though therefore I knew the whole assembly almost was otherwise minded, and foresaw the mistake of my voice by some, yet I behoved to vote his suspension to continue, and no farther. As



for Mr Andrew Ramsay, more was libelled and proven against him, and all this year he carried himself in a cankered untoward way; yet I told, I could not voice to depose a man of such age and parts; so in that vote I was silent, to the peace of my own mind, though some of my friends wrote sharp letters to me for it. I had also some contest with my neighbours in Mr William Wilkie's process, whom I judged more hotly pursued than there was cause. But my sharpest contest was for the principal whom I found some men to pursue still, without any ground at all considerable. Contrary to their design, I got him reasonably fair off. These contests, and wrack of my friends, were very bitter to mind, and, joining with the obloquy in the ear against me by some, troubled my spirit sometimes, till I got my grief and wrong vented and poured out to God: for there was no other whom I found able and willing to help me. It was a piece of comfort to me, that the best of the land were, on more probable grounds, taxed for compliance with sectaries than I with malignants, whom yet I knew to be innocent; and that I remembered the cloud of infamy under which superexcellent Mr Henderson lay, to my knowledge, till God and time blew it away. I have been oftener and sorer afraid for the wo of Christ to them, whom all the world love and speak good of, than I was grieved for any reproachful speeches which some were begun to mutter against me; but this now is our condition, that the chief in church, state, and army, how innocent soever, are whispered to favour either sectaries or malignants.

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I wished earnestly, and so did the Chancellor intreat Mr Robert Douglas, but out of time, that the framing of the declaration should have been committed to another hand than that it fell in; who, how able soever, yet was generally thought to be among the most severe of the company to the King; but this could not be helped. Some clauses we got altered in the committee; yet, as it stands, I much fear it shall prove a division-wall betwixt the King and us for ever. We were always expecting the promised expresses from him, and for that end, some of us held off all we could, determinations of every thing concerned him; but when none did appear, and when at last William Murray had come without any letter or instruction, either private or publick, then there was no remedy, but the declaration and letter, in the style you see it, and the act about the engagers, went out without contradiction, which, as I foresaw and foretold in the Hague, puts harder and more peremptory conditions on the King than there would have given satisfaction. We had greatest debate for an act of election of ministers. Mr David Calderwood was peremptor, that according to the Second Book of Discipline, the election should be given to the presbytery, with power to the major part of the people to dissent upon reason to be judged of by the presbytery. Mr Rutherford and Mr Wood were as peremptory to put the power and voices of election in the body of the people, contradistinct from their eldership; but the most of us were in Mr Gillespie's mind, in his Miscellanies, that the direction was the Presbyteries, the election the sessions, and the consent the peoples. Sundry draughts were offered. Mr Woods, most studied, was refused; Mr Calderwoods also. Mr Livingston came nearer our mind, yet was laid aside. Mine came nearest the mind of all, and almost had past; but for avoiding debate, a general confused draught (avoiding, indeed, the present question, but leading us into so many questions thereafter as any pleased

to make) passed with my consent. But Mr D. Calderwood and Mr John Smith reasoned much against it in face of the assembly; where, against my mind, the Book of Discipline was pressed against them, and a double election made, one before trial, and another after, as if the election before, and the trial by the Second Book of Discipline were given to the people, and that after-trial, before ordination, to the presbytery. This I thought was nothing so, but was silent, being in my mind contrary to Mr David in the main; though, in this incident debate of the sense of the Book of Discipline, I was for him. However, already we find the defect of our act; for, as I conceive and expressed it, so in my draught so much direction in this is due to presbyteries, that they ought to recommend to the session men to be elected, without prejudice of their liberty to add whom they think fit: but I find it the design now of leading brethren, that the presbyteries shall not meddle at all with any recommendations, but leave that wholly to any particular busy man of the presbytery, to whisper in the ear of some leading man of the parish, to get voices to any young man, though never heard in privy exercise, that he, by desires of the people to the presbytery, may be put on trials for such a church. This I find will be the way of our elections, which I think not orderly. However, Mr D. Calderwood entered a very sharp protestation against our act, which he required to be registered. This is the first protestation we heard of in our time; and had it come from any other, he had not escaped censure.

There was a design, at the last assembly, to have got the hands of many ministers to a supplication for moderating, in many things, the power of the commission of the church, which was expounded by this assembly truly to have been the overthrowing, in favour of the malignant party, the power of the kirk. Great din was made for this supplication, to try what was the bottom of it, and a very severe act was made against the thing; yet Mr Douglas carried it so, that no man at all, even the chief contrivers, did suffer any thing for it, upon what ground I could never learn to my satisfaction; whether, because to Mr Robert Laurie, the confessed penner of the principal supplication, impunity was promised for his ingenuous and early confession, and he being secure, others less guilty could not be got punished; or because others foreseeing what necessity there might be for themselves to do more than supplicate a general assembly, had no will that any supplication whatsoever, especially being only intended, and never offered, should be a ground of church censure. However, albeit a terrible act was made against the thing, contrary to my mind, yet no man was to this day called to any account for it, nor, as I hear, shall ever be.

I was much afraid that the subscription required of the engagers should have made many prime men in our land desperate; but I am now very glad that so many offer themselves to do all that is required, as I expect there shall be very few who shall stick upon it, so I wish from my heart that Lauderdale may be moved to do what I found Callender and Dumfermline ready for, when I was there with you; and what I saw in the assembly, Middleton very near, and others, as Galloway, Linlithgow, Ogilvie, Baillie, Innes, Cochran, Kenmure, Fleming, &c. actually to offer. I do not expect now above three or four persons in Scotland who shall make scruple of that subscription, which, I hope, may be a mean to teach that man (for whom alone my love makes me afraid) some more wisdom. Mr Hary Guthrie, in his appeal to the assembly, had used some sharp



and reflecting reasons, for which they summoned him to appear, resolving to have excommunicated him, if they did not find submission : but quickly his spirit was daunted. In all humility he appeared, and passed from his appeal, which obtained him favour not to be farther proceeded against. Mr William Colvil took his sentence of deposition submissively. Mr Andrew Ramsay professed his suffering. Some would have been at the present processing of both, as guilty of all the blood, and all the consequences of the engagement ; but Mr R. Douglas quashed these motions, which otherwise easily had been carried on.

It was all our minds to have had transportations better regulated than they had been ; for indeed their needless frequency was intolerable, yet Mr R. Douglas got all that shifted till Edinburgh once again he provided both of ministers and professors. For their university they moved for Mr Rutherford, but that was thought absurd. It seems they would be at Dr Colvil, but he will not be given them, as a man demi-malignant. They who judge so of that man, would give them Mr James Wood, or Mr D. Dickson ; but in my mind, neither of these may be transported without greater hurt to the places they are in than benefit to Edinburgh, though they could get them ; but as yet Edinburgh desires neither, and on whom they will fall yet, it does not appear. We fear they trouble us one way or other.

One day I escaped, to my sense, one of the greatest burdens ever was laid on me. Our committee, after many motions, had resolved for drawing up of the history of the times, to propone to the assembly a lect of three or four ; Mr James Wood, Mr John Livingston, Mr Ja. Guthrie, and me. My profession made me secure of all danger, as I thought ; and I minded it no more : but in the end of the assembly, when it came to be voiced, it ran wholly betwixt Mr John Livingston and me ; and had not the opinion of my malignancy diverted some voices, I had undoubtedly been oppressed with that charge. As it was, I escaped it but by two or three voices ; but I blessed the Lord for it ; for to me it had all the days of my life been a burden intolerable, for many causes.

The assembly, for the full purgation of the church, as in former years, so in this also, has appointed divers committees ; one in Angus, one in Stirlingshire, one in the Merse, one in Ross, one in Argyle, with most ample power. On these committees the most zealous men are put, which some few can chuse (even of very young men lately admitted ministers) for deposing such as presbyteries and synods do spare. I acknowledge the disinclination of my mind to so frequent depositions of ministers, and to all courses that further that, to me so severe an action ; but this is a great part of my malignancy.

I think at last we shall get a new Psalter. I have furthered that work ever with my best wishes ; but the scruple now arises of it in my mind, the first author of my translation, Mr Rous, my good friend, has complied with the sectaries, and a member of their republiek. How a Psalter of his framing, albeit with much variation, shall be received by our church, I do not well know ; yet it is needful we should have one, and a better in haste we cannot have. The assembly has referred it to the commission to cause print it after the last revision, and to put it in practice.

These were the chief things of our long and tedious five weeks labour ; only we appointed a letter to be drawn for our brethren of England for their encouragement. The draught was Mr James Durham's. It was his first, but did not so fully

please us to pass, but was referred to the commission to perfect. Our brethren of Ireland had sent Mr John Greg to us, to have our advice about their carriage in my Lord of Aird's defection. No publick advice was given ; but Mr Livingston and Mr Maelellan were appointed to confer with him on all his propositions.

All this while the parliament did sit, though ready to rise at our first downsitting, more than at our rising. Their main cause of sitting was to see what we brought from the King. Thereafter, being to rise, constant reports, week after week, of Cromwell's purpose to bring down the army on us before it went to Ireland, made them sit still to see to the defence of the country. To increase the levies, was to put the country to a farther burden, while the present was as great as could be borne, and caused dangerous grumbling every where ; also, if a greater army had been on foot, the world would not keep them out of England, which we did not intend, being far from any agreement with the King ; so nothing considerable was done, or could be done, though the English had come on us. They had written a letter with a messenger, to desire a treaty with us. Our answer was, that we could not acknowledge the present authority. This drew from them a paper, in reasonable soft words ; but clearly enough renouncing all former treaties as broken by our parliament's invasion, an advantage which they would openly make that use of, as to have it a breach of all their obligations to us. To this we made no reply ; for what needs paper-debates at such a time ?

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1648.

*2. Instructions by the Committee of Estates sent by their Commissioners to the English Parliament.\**

You shall repair to London, and deliver our Letter to the Honourable Houses of the Parliament of England.

You shall excuse the long delay in sending to them, and in the mean time let them know, we hold Correspondence with the Commander in Chief of their Forces.

You shall give them a Narrative of our whole Proceedings according to the Declaration of the Kirk, and our own ; particularly you shall acquaint them with our Proceedings in opposition to the late unlawful Engagement, and what Industry was used on the other part, for the Election of Malignants to be Members of Parliament, and how unlawfully some were admitted to sit in Parliament ; and great numbers of Malignants were brought in from England, to over-awe the honest Party, and how many of the Army were corrupted.

And you shall farther represent particularly the great Sufferings and Oppressions of honest men, and that before they heard any thing of the Defeat of the Forces under Duke Hamilton in England, they had resolved on the manner and time of their Rising in Arms here in this Kingdom, against the Promoters and Abettors of that Engagement, and their Adherents. You shall also shew them the result of the Treaty betwixt us and those Armies about Sterlin, and how useful their Forces have been to us by being at so near a distance.

You shall endeavour to take away all Mis-information or Mis-constructions of any of our former Proceedings, and settle a good Understanding be-

\* Burnet, p. 375.



twixt them and the honest protesting Party in Scotland; and you shall shew them the continued evil Principles, Malice, and Designs of the Malignant Party in this Kingdom, yet to trouble our Peace and interrupt theirs, and as they call it, not to live and outlive the not carrying on so pious and loyal an Engagement: and that some of them are going to Holland with an intention, as we are informed, to bring over Forces if they can: therefore we have caused deliver Berwick to be disposed of for the Good of both Kingdoms, and give the like Warrant for Carlisle; and that it is also surrendered, or presently to surrender for the use foresaid. So we agree during these Troubles, until the Peace of this Kingdom be settled, that the Honourable Houses may keep some Forces upon the Borders, and sufficient Garrisons in them both, upon a two-fold assurance: First, that in case any new Troubles be raised in Scotland by the Malignants, both they and the Forces about Newcastle have Directions from the Parliament to come unto Scotland, to pursue the Common Enemy when they shall be desired by the Committee of Estates, as it is now constituted of the Protesting Party in Scotland: and Secondly, that the Parliament shall remove all Garrisons out of those two Towns, and from our Borders, and put them in the Condition agreed on by the Treaties betwixt both Kingdoms, whensoever the Troubles are at an end, and the Peace of the Kingdoms settled.

You shall shew how desirous and willing we are to harken to any good Overture that may conduce to prevent any such-like Breaches again betwixt the two Nations, and that it may not be in the power of Malignants again either to seduce, or to enforce upon the People the like Sin and Snare; and for mutual Consultation, we think it expedient, both that they should have some honest Noblemen, Commissioners, here to reside at Edinburgh, and that we shall have some at London, that by Commutation of Counsels, our Common Peace may be the better settled and continued.

You shall try if the Treaty betwixt the Kings Majesty and the Two Houses of Parliament be like to take effect, and shall study to preserve the Interest of this Kingdom in the matter of the settling of the Peace of these Kingdoms: and if you shall find there are real Grounds to hope an Agreement betwixt the King and the Two Houses, in respect both Kingdoms are engaged in the same Cause and Covenant, and have been, and still are under the same Dangers, and to the end our Peace may be more durable, you shall endeavour that before any Agreement of Peace be made, we may be first acquainted therewith, that we may send up Commissions in relation to the Treaty with the King, upon the Propositions, and in relation to mutual Advice, for the settling of the Peace of these Kingdoms, and accordingly as you find the Two Houses inclined therein, you shall give us Advertisement.

You shall according as upon the place it shall be found expedient, present the same Desires to the Two Houses of Parliament in name of this Kingdom, touching the Work of Reformation, as shall be presented to them from this Kirk.

You shall assist Mr Blair in this Employment, and take his advice and assistance in yours, and give us Advertisement weekly how all matters goe.

You shall publish all Papers either concerning the Proceedings of the Church, or of the Protesters, which are necessary to be known.

You shall endeavour to keep a good Understanding betwixt us and the City, and the Assembly

of Divines; and strive to remove all Jealousies betwixt us and them, or betwixt honest men amongst themselves.

You shall endeavour that honest men who have suffered for opposing the Engagement be not prejudiced, but furthered in payment of the Summes assigned unto them before the Engagement, out of the two hundred thousand pound Sterling, and Brotherly Assistance, for publick Debts or Losses.

You shall acquaint the Speakers of both Houses with his Majesties Letter to this Committee, and our Answer sent to Him.

You shall desire that the Noblemen, and Gentlemen of Quality, and considerable Officers of the Army that went into England under the Duke of Hamilton, and which are now there Prisoners may be kept as Pledges of the Peace of the Kingdoms, especially to prevent a new Disturbance in this Kingdom, or Trouble from this Kingdom to England, until the Peace of both be settled.

You shall acquaint the Two Houses with our Answer to that of L. General Cromwell's, of the sixth of this Instant, and make use of the Grounds therein mentioned as you shall find occasion.

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1648.—September 16 and 21.

3. *Letters from Oliver Cromwell to the Committee of Estates.\**

For the Right Hon<sup>ble</sup> the Committee of Estates for the Kingdom of Scotland, These.  
Right Hon<sup>ble</sup>,

Being vpon my approach to the borders of the kingdom of Scotland, I thought fitt to acquaint you of the reason thereof. It's well knowne how in- iuriously the kingdom of England was lately in- vaded by the armye vnder Duke Hamilton, con- trary to the covenant, and our leagues of amity; and against all the engagements of loue, and brother- hood between the two nations; and notwithstanding the pretence of your late declaration, publish'd to tak with the people of this kingdom. The Com- mons of England in Parliamt assembled, declared the said armie soe entering as enemyes to the king- dome; and those of England who should adhere to them, as traytors. And having receiued commands to march w<sup>th</sup> a considerable part of their army to oppose soe greate a violation of faith and iustice, what a witness (God being appealed too) hath borne vpon the engagem<sup>t</sup> of the two armyes against the vnrighteousness of man, not onely yourselves, but this kingdom, yea, and a greate part of the knowne world, will, I trust, acknowledge how dangerous a thing it is to wage an vniust warre, much more to appeale to God, the righteous iudge therein; wee trust hee will perswade you better by this manifest token of his displeasure, least his hand be stretched out yet more against you, and your poore people alsoe, if they wilbe deceived. That which I am to demand of you, is the restitution of the garrisone of Barwick and Carlile into my hands for the vse of the Parliamt and kingdom of England. If you deny me herein, I must make our appeale to God, and call vpon him for assistance, in what way hee shall direct vs; wherein wee are, and shalbe, soe farr from seeking the harme of the wel' affected people of the kingdom of Scotland, that wee profess (as before the Lord) that what difference an army ne- cessitated in an hostile way to recover the auncient rights and inheritance of tke kingdom, (vnder

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\* Originals in the Register Office, Edinburgh.



which they serve,) can make, wee shall vse our endeavour to the vtmost that the trouble may fall vpon the contrivers and autho<sup>rs</sup> of this breach; and not vpon the poore innocent people, who have been led and compelled into this action, as many poore soules, now prison<sup>rs</sup> to vs, confess. We thought our selues bound in duty thus to expostulate with you; and thus to profess, to th'end wee may beare our integrity out before the world, and may haue comfort in God, whatever the event bec. Desiringe yo<sup>r</sup> answer, I rest

Yo<sup>r</sup> Lo<sup>pp</sup>s humble servant,  
O. CROMWELL.

Septembr y<sup>e</sup> 16<sup>th</sup>, 1648.

Right Honourable,

Wee perceiue that there was upon our advance to the borders, the last Lord's day, a very disorderly carriage by some horse, who, without order, did steale over the Tweed, and plundered some places in the kingdome of Scotland, and since that, some straglers have been alike faulty to the wrong of the inhabitants, and to our very greate greife of heart. I have been as diligent as I can to finde out the men that have done the wrong, and I am still in the discovery thereof, and I trust it shall appeare to you that there shalbe nothing wanting on my part that may testifie how much wee abhorre such things; and to the best of my information, I cannot finde the least guilt of the fact to lye upon the regiments of this army, but upon some of the northern horse who have not been under our discipline and government, untill just that wee came into these parts. I have commanded those forces away back againe into England, and I hope the exemplarity of justice will testifie for us our greate detestation of the fact; for the remayneing forces, which are of our old regiments, wee may engage for them, their officers will keepe them from doinge any such thinges; and wee are confident that, saving victuall, they shall not take any thing from the inhabitants, and in that alsoe, they shalbe soe farre from being their own as that they shall submit to have provisions ordered and proportioned by the consent, and with the direction, of the committees and gentlemen of the country; and not otherwise. If they please to be assisting to us therein, I thought fitt, for the preventing of misunderstanding, to give your Lordships this account, and rest,

My Lords,  
Your most humble servant,  
O. CROMWELL.

Norham, 21<sup>st</sup> September, 1648.

For the Right Honourable the Committee of Estates of the Kingdome of Scotland, at Edinburgh, These.

1648.—November 20.

4. *The General's Letter to the Speaker of the House of Commons, and the Army's Remonstrance, presented by Colonel Ewert.\**

Mr SPEAKER,

The General Council of Officers at their late Meeting here, have unanimously agreed on a Remonstrance to be presented to you, which is herewith sent by the hands of Col. Ewers and other Officers; and in regard it concerns matters of highest and present Importance to your self, to us

and the whole Kingdom, I do at the desire of the Officers, and in the behalf of them and my self, humbly and earnestly intreat, that it may have a present reading, and the things propounded may be timely considered; and that no failing in Circumstance or Expressions may prejudice either the Reason or Justice of what is tendred, or their intentions, of whose good Affections and Constancy therein you have had so long experience. I remain

Your most Humble Servant,  
THO. FAIRFAX.

For the Honourable William  
Lenthall, Esq., Speaker of  
the House of Commons.

*Some chief Heads of the Remonstrance, after the Preliminary Part, which is to shew the Messages of the King and Parliament severally, also in all Treaties between them, especially in that they are now in, with Reasons therefore and Objections answered, from whence these Consequences are drawn.*

1. That they conceive the Parliament hath abundant cause to lay aside any further Proceeding in this Treaty, and to return to their Votes of Non-addresses, and settle with or against the King, that he may come no more to Government; and this, first by rejecting those Demands of the King for himself and Party, especially concerning his Restitution and coming to London with Freedom; and that they proceed against the King in way of Justice, for evils done by him, and in order thereto, to have him kept in safe custody. 2. To lay aside that bargaining Proposition with Delinquents, which will present the thing done by contract with the King, and not in a judicial way, and by that Power, that no Delinquents be partially dealt with, protected nor pardonable by other Power, only moderated upon submission: and among these Offenders they offer,

(1.) That the King be brought to Justice, as the capital cause of all. (2.) That a timely and peremptory day be set for the Prince of Wales, and Duke of York, to come in and render; if not, they be declared incapable of Government, or any right in England, and stand exiled for ever as Traytors; and if they render themselves by the time, then the Prince to be proceeded against or remitted as he shall give satisfaction, and the Duke the like, and that the Revenue of the Crown be sequestered. Also the 10,000*l.* to be added, be disposed to publick use. (3.) That publick Justice may be done upon some capital Causers or Actors in the War. (4.) That the rest upon submission may have mercy for their lives. (5.) That the Soldiers have their Arrears, publick Debts paid, chiefly to those who voluntarily laid out their Estates, and ventured their Lives, and this to be done by Fines of Delinquents, and the Estates of those excluded from Pardon. After publick Justice thus done, then that a reasonable certain period be put to this Parliament. There want a hundred good Laws, as many to be repealed, as many to be explained, must not that be first done? and at this period it may be agreed that there be a certain succession of future Parliaments Annual or Biennial, with secure provision. (1.) For the certainty of meeting. (2.) For equal distribution of Elections, to render the Commons House an equal Representative. (3.) For certainty of the Peoples meeting, and that none who have engaged in the late War, or shall engage against the right of Parliament and Kingdom, or adhere to the Enemies thereof, be capable of electing or being elected, during some

\* Rushworth, part iv., vol. ii., p. 1330.



Years, nor those who shall not join with but oppose this Settlement. (4.) For clearing the Power of this Representative, it be declared to have the suprem power, as to the governing and preservation of the whole, as to the People of England, and to altering, repealing, or abolishing of Laws, the making War or Peace, the highest or final Judgment in all civil things; and all Ministers or Officers of State shall be accountable to them, bound and concluded thereby, provided, 1st, They may not censure or question any man after the end of this Parliament for any thing said or done in reference to the late War. 2dly, They may not render up, give or take away any Right, Liberty or Safety contained in this Settlement or Agreement. (5.) That there be Liberty of entering Dissents in the said Representative: in case of Corruption in these highest Trusts, the People may know who are free, and who guilty, that so they may not trust such for the future, but with further Penalty to any for their future Judgment there. That no King be hereafter admitted, but upon Election of, and as upon Trust from the People, by such their Representative, not without first disclaiming and disavowing all Pretence to a Negative Voice against the determination of the said Representative or Commons in Parliament, and that to be done in such Form more clear than heretofore in the Coronation Oath.

These matters of a general Settlement are propounded to be done by this Parliament, and to be further established by a general Contract or Agreement of the People with Subscriptions thereunto; also that it be provided, that none be capable of benefit by this Agreement, who shall not consent and subscribe thereunto, nor any King be admitted to the Crown, or other Person to any other Office or Place of publick Trust, with express accord and subscription to the same. These things they press as good for this and other Kingdoms, and hope it will not be taken ill because from an Army, and so Servants, when their Masters are Servants and Trustees for the Kingdom.

## 1649.

5. *Note of Proceedings in the Convention of Estates relative to the Kirk.*

Jan. 16. Act Repealing Acts of Parliament or Committee, made for the late Unlawful Engagement, and Ratifying the Protestation and Opposition against the same, p. 341. Act in favour of the Ministers who were at Mauchlin Muir, p. 346. Act of Commission anent Universitie of St Andrew's, p. 346.

Jan. 18. Act containing the return of the Estates of Parliament, upon the Testimony communicated unto them by the Commissioners of the General Assembly, and their Concurrence with the same, p. 349.

Jan. 26.—Act ratifying and containing the tenor of the band for securing the peace of the kingdom, and injoining the same to be subscribed, p. 353.

Jan. 25. Act in Favours of the University of St Andrew's, anent the Rents of the Archbishopric and Priory of St Andrew's, p. 357.

Jan. 30. Act in Favours of the Town of St Andrew's, for Provision of a Third Minister, p. 359. Act against Fornication, p. 360.

Feb. 5. Proclamation of King Charles II., p. 363.

Feb. 7. Act anent Securing of the Covenant, Religion, and Peace of the Kingdom, p. 364. Act anent the Catechisms, Confession of Faith, and Ratifying thereof, p. 364.

Feb. 10. Act for Information of the Lieges anent the Securing the Peace of the Kingdom, p. 367.

6. *Account of the Duke of Hamiltons Expedition into England, being Excerpts from "Memoirs of his own Life and Times, by Sir James Turner."*—P. 49.

The Committee of Estates, and consequentlie the visible soveraigne power of Scotland at that time, is divided between the Duke Hamilton and the Marques of Argile. The last keptd stronglie by the church, and had it for him; and for feare that did not his turne, he keptd the armie, at least Leven and David Leslie for him, as knowing, *omnia sunt gladii pidiissequa*. Yet the Hamiltions had gaine much on Middleton, who had a strong influence on the armie. Hamilton, to beate Argile out of his strongest fortresse, propones the disbanding the armie as very useles now, and which was worse, very burthensome, all the enemies of the state being rangd to their ductie. This was not onlie a plausible pretext, bot ane unanswerable argument; bot marke the reply of the other partie. "Never so great danger as now; the Kings person, which they were bound to defend by the oath of their Covenant (observe, there was no former ty on them,) being in the hands of the Independents, who were suorne enemies to his sacred person and to presbiterie, and earying now all things before them in the English Parliament, were become very formidable." So impudentlie could these hypocrites make use of the safetie of the King, to support their power, by the usurpation wherof they had brought him to that low condition, and whose destruction they still designd. To this they adde a ridiculouslie palpable ly, that the Marques of Huntley was strong and marching southward, waxd numerous, and to use their oune words, grew great like a snow ball; that poore Marques, in the meane time, hideing himselfe in holes and caves, out of which he is about that same time draune and earried to Edenburgh and cast in the tollbooth, out of which he never came till he was brought to a scaffold. The matter of the armies disbanding is referd to the meeting of a great Committee, whose members are summond by Argile and the kirk to come from the remotest places of the kingdome, and when they meet, they vote the armie to stand.

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Bot before all this was done, E. Lainrick, brother to Duke Hamilton, is made one of these commissioners, which they called the Committee of both kingdomes. The Chancelor and he went to London, and from thence, by the Parliaments permission to the Ile of Wight, where they had severall conferences with his Majestie. Many concessions they obtaind from him against Poperie, Arminianisme, Socinianisme, Libertinisme, Erastianisme, and I know not what els, and many promises they made to him, and so returned to Scotland. A Parliament is calld, which either consisted of the Royal or purlie Hamiltonian partie; Argiles being the least of the three, the election of the members was so dexterouslie carried. Bot in the Commission of the Kirke, Argile carryd all before him. And now the scene is changd. The King is in no danger; the Parliament of England, thogh independent, and Scotland are good friends; they must not fall out; the union of the tuo kingdomes must be preserved; the King in his concessions, had not taken away Prelacie, and therefore all the



rest of his grants were hypocriticall; neither were the Scots bound to defend his person by vertue of the Covenant, bot in the defence of the true religion, which, according to their glosse, is presbiteriall government; and therefor no armie must be raisd for his releasment or restoration, onlie the English Parliament wold be desird to suffer them to treate with the King, whose person, according to promise, sould be keepd in honor, freedome and safetie. Heere yow see ane armie necessare and not necessare, for one and the same cause. Yow will thinke that strange, bot I will unriddle yow. Necessare for the Kings defeuce, and to withstand the power of the Independents, so long as old Leven and David Leslie commanded it; not necessare for these or any other causes, if Duke Hamilton and Earle Calander had the conduct of it. Whether the great sounes of money the English Commissioners brought with them, had ane influence on the leading men of the state, the kirk and the armie, Sir James Stewart, once Provost of Edinburgh yet alive can well enough tell. This rent betueene the usurped state and the usurped kirk, was the first step to the ruine of the whole designe of the yeare 1648; for in the time of this furious dis . . . . our levies were retarded, and time given to Fairfaxe and Cromwell to destroy all the Kings partie in England. At length the raising of ane armie is carried in spite of Argile and the kirk. Duke Hamilton is declar'd Generall; E. Calander, (who once more appeard to oune the Kings interest,) Lieutenant Generall of the armie; Middleton, Lieutenant Generall of the horse, and Baillie of the foot.

Bot before this was done, a petition is draune up by Argile and his friends, (the Chancellor playing fast and loose with both parties,) which is call'd the petition of the armie, which was to secure religion (for these were the kirks words) and the kingdome of Christ, before any forces were raisd for the Kings releasment. It is sign'd privatlie by Leven, Da. Leslie, Major Generall Holburne, Sir Johne Broun, Colonell Scot, and some others, and then presented publiklie to the rest of us, thinking we could not, being sojors, refuse to follow our leaders. Bot they found themselves mistaken; for Major Generall Middleton, and the honest part of the officers of the armie told them, that such a petition, which lookd so like mutinie, could not be presented to the Parliament without incurring the dishonour which Fairfaxe his armie had draune upon itselfe, to impose on the Parliament of England. To oppose this petition, Middleton was pleas'd to make use of me; neither was I, indeed, unwilling to contribute all my endeavors for the destruction of a paper which, if it had beene red, wold have spoke with so loud a voyce, that many of the members who were bot indifferent, wold have spoke Argiles language very plainlie. The busienes was so handled that it was never presented.

Innumerable allmost were the petitions that came from all places of the kingdome, against the raising of forces for his Majesties releasment. Glasgow being a considerable toun, was most refractorie to this Parliament; for Mr Diek, whom they lookd upon as a patriareh, Mr Baillie, Mr Gillespie and Mr Durhame, all mightie members of the kirk of Scotland, had preachd them to a perfite disobedience of all civill power, except such as was authorised by the Generall Assemblie and Commission of the Kirke; and so indeed was the whole west of Scotland, who cryd up King Christ, and the kingdome of Jesus Christ, therby meaning the uncontrollable and unlimited dominion of the then kirk of Scotland, to whom they thought our Saviour had

delivered over his scepter, to governe his militant church as they thought fit. For this reason, I am sent to Glasgow to reduce it to obedience, with three troops of horse, and Holburns regiment of foot, which a litle before that had mutind in the Links of Lieth; (their colonell, lieutenant colonell, and all their captains, haveing deserted them,) bot the mutinie was with some difficultie compesed by myselfe, and that regiment brought by me the length of Cramond, in its march to Glasgow. In Glasgow were many honest and loyall men, the prime wherof wer the Cambells and the Bells; and indeed I had good helpe of Coline Cambell, James Bell, and Bayliffe James Hamilton. At my comeing there I found my worke not very difficill; for I shortlie learn'd to know, that the quartering tuo or three troopers, and halfe a dozen musketeers, was ane argument strong enough, in two or three nights time, to make the hardest headed Covenanter in the toun to forsake the kirk and side with the Parliament. I came on the friday, and nixt day sent to Mr Diek, and desird him and his brethren to say nothing nixt day in their pulpits that might give me just reason to disturbe the peace of the church. In the forenoone he spoke us very faire, and gave us no ocession of offence; but in the afternoone he transgresd all limits of modestie, and raild maliciouslie against both King and Parliament. This obligd me to command all my officers and sojors to goe presentlie out of the church, because I neither could nor would suffer any under my command to be witnesses of a misdemeanor of that nature. At the first Diek was timorous, and promis'd, if I wold stay, he wold give me satisfaction; bot I told him I wold trust him no more, since he had broke his promise made in the forenoone. Seeing I intended no worse bnt to remove, he continued his sermon, and nixt day went to Edinburgh to complaine; bot sent one that same night to make his greeveance to the Duke, who was comd the day before to his palace of Hammilton. Thither I went nixt morning. His Grace approv'd of all I had done; and there was reason for it; because I had done nothing bot by his oune order, and his brother E. Lainrieks advice. This was that great and well neere inexpressible sinne which I committed against the sacred soveraintie of the kirk; for which all members were so implacable and irreconcilable enemies to me afterward.

Finding my Glasgow men groune prettie tame, I tenderd them a short paper, which whoever sign'd I promis'd sould he presentlie eas'd of all quartering. It was nothing bot a submission to all orders of Parliament, agreeable to the Covenant. This paper was afterward by some merrie men christend Turners Covenant. It was quickly sign'd by all except some inconsiderable persons; and so soone as Duke Hammilton had caust read my letter in Parliament, and the sign'd papers sent to the Clearke Register, I was orderd to march to Renfrew, to reduce that shire to obedience. I left the Generall of the Artilleries regiment, which was not very strong, at Glasgow, and marchd with my oune (for the Parliament had given me that of Holburns, and my Lord Duke had plac'd me himselfe at Glasgow, and eleven troops of horse; for still as they were levied in the east, they were sent west to me. I lay at Paislay myselfe with my regiment, and quarterd my troopes round about. Bot the people from severall parishes came so fast to me, offering their obedience to the Parliament, that I knew not well how to quarter my present men, much lesse these troops, and Calanders regiment, which were on their march westward.



Meantime a pettie rebellion must be usherd in by religion, yea, by one of the sacredest misteries of it, even the celebration of our Lords supper; so finely could these pretended saints make that *vinculum pacis*, that band of peace, the commemoration of our Savicours sufferings and death, that peace so often inculcated, and left as a legacie by our blessed Lord to his whole Church; so handsomelie, I say, could these hipocrits make it the simbole of warre, and bloody broyles. While I lay at Paislay, a communion, as they call it, is to be given at Machlin church, to pertake wherof all good people are permitted to come; bot because the times were, forsooth, dangerous, it was thought fit all the men sould come armed. Nixt Monday, which was their thanksgiving day, there were few lesse to be seene about the church than tuo thousand armed men, horse and foot. I had got some intelligence of the designe before, and had acquainted the Duke with it; who ordered me expreslie not to stirre till Calander and Middletones coming; who accordinglie on the Saturday before the Communion came to Glasgow, where I met them, and then went straight forward to Paislay. A rendezvous is appointed by Calander to be of horse and foot at Steuarton till nixt Monday. From thence Lieut. General Middleton is sent with sixe troopes of horse to Machlin moore, where the armed communicants were said to be. I intreated my Lord Calander (bot to no purpose) not to divide, bot rather march with all his forces, then hazard the overthrow of a few, which might endanger the whole. We advanced with the rest as the foot could march; but it was not long before we heard that the communicants had refused to goe to their houses; and having ressaved a briske charge of Middletons forlorne hope, had worsted it; and that himselve and Colonell Urreycomeing up to the rescue, were both wounded in the heade; which had so appalld their troopes, that if they lossd no ground, they were glad to keepe what they had, and looke upon the sainets. These unexpected news made Calander leave my regiment at Kilmarnock, and take his horse with him up to Middleton. I intreated him to march at least at a great trot, if not at a gallope; bot he would be more orderlie, and therefor marched more sloulie. We met numbers of boys and bedees, weeping and crying all was lost; bot at our appearance the slashing communicants left the field, the horse trulie untouchd, because not fiercelie pursued. About sixtie of their foot were taken, and five officers. The ministers that came in our power, who had occasiond the mischief, were nixt day dismisd. Nixt day we marchd into Aire, where a court of warre is appointed to be kept about the prisoners. The country fellows of them are pardoned; the officers sentenced to be hanged or shot; bot thereafter were pardond; to which I was very instrumentall, thogh I had bene president in the court of warre. Lieutenant Generall Middletons wound, and Colonell Urreys, sufferd them to ride abroad within foure or five days. We knew not well what to doc, for Lambert was on the Border with a strong part of the English armie, and in a manner kept Sir Marmaduke Langdail blockd up at Carlile. Our west countrey was not at all settled, bot very readie for new commotions. Upon this E. Calander desires a conference with the Duke, who then was at Edinburgh, to be at his oun house of Hamilton, to which the Duke readilie assented.

I had left my wife at Glasgow, and, therfor, desird libertie to goe there, and bid her good night, and accordinglie went thither. Within two nights

came E. Calander and Lieutenant Generall Middleton, and with them I went to Hammilton, takeing my leave of my deare wife, whom I did not see againe till she saw me prisoner at Hull.

At Hammilton, we could not bot with much regret and displeasure consider that Sir Marmaduke, and his Lieutenant Generall Sir Philip Mushgrave, both gentlemen of untainted loyaltie and gallantrie, had not onlie unseasonable, and contrare to the advices given them, raisd above 3000 foot and horse, bot had marchd with them into Lancashire, and therby had given a just pretext to the Parliament to send Lambert with a more considerable power, to give a stop to their further proceedings; which he did so vigorouslie, that Langdale was glad to shelter himselve under the walls of Carlile. This exposd him to a certaine and present ruine, unles he were succourd. To marche to his reliefe, were to leave the halfe of our forces in Scotland unleavied, and ane enemy behind our hand, ourselvs in very bad condition, without money, meale, artillerie, or amunition; to suffer him to perish was against honor, conscience, and the reason both of state and warre. It wold have given our enemies occasion to insult; wold have brought the Dukes honor (rudlie enough dealt with [by] some before) to an everlasting losse, and wold have given such just apprehensions of jealousies to the royalists in England, that never one of them wold have joynd with us, or ound us. The further debate of this busienes is delayd till the Duke, Calander and Middleton went to Edinburgh to advise with the Committee of Estates, for the Parliament was then dissolv'd. Bot in the meantime, Colonell Lockheart is sent to command some brigads of horse at Anan, and I orderd to goe presentlie to Drumfreis, to take the command of sixe or seven regiments of foot, which were to be shortlie there. Our neernes to Carlile was thought might give Lambert some ombrages of both a stronger and a neerer approach. Neither were we mistaken in our conjecture; for so soone as we began to rally there, he drew his troops neeer together, and so Sir Marmaduk got aire, and with it some meale for himselve, and grasse for his horses.

In this posture did Lockheart and I stay about a fortnight, twelve miles distant one from ane other, till (Sir Marmaduks reliefe being concluded on at Edinburgh as purely necessare,) my L. Duke, E. Calander, and Lieutenant Generall Middleton and Baillic, with many bot weake regiments of horse and foot, randevoused at Anan. There I met them with my little infantrie, amunition, and a great deale of meale, which had beene sent to me from Edinburgh and other places. Nixt day we advanced into England, order being given for all the regiments of the whole kingdome to haste after us, except such as were orderd to stay for defence of the countrey against our hidden enemies; and these were to be commanded by E. Lainrick, as commander in chiefe at home. Our advance obligd Lambert to retire. Some skirmishes we had with him for a day or tuo, bot to litle purpose. At length he got to Steinnure, where he beganne to fortifie himselve. The Duke is necessitated to stay ten or twelve days at Kirbie-thure, to ressave those regiments were marching from Scotland, which did not exceed the halfe of their numbers they sould have beene, all neulie levied, raw and undisciplind; and that summer was so excessivelie rainie and wet, that I may say it was not possible for us to keepe one musket often fixd, all the time we were in a bodie in England. Adde to this that we had no canon, nay not one field peece, very



little amunition, and not one officer to direct it. Deare Sandie being groune old and doated, had given no fitting orders for these things. Whill the Duke lyes at Kirbie-thure, Sir Marmaduke beseegeth the castle of Applebie, in which Lambert had left a guarreson. I am sent with tuo brigads to ly neere him, for feare Lambert sould face about upon him. Within a few days the castle yeilded.

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My Lord Duke marcheth on with this ill equipd and ill orderd armie of his, in which I being Colonell of a regiment, I officiated also as Adjutant Generall, or rather indeed doeing the duetie of Major Generall of the infantrie, since there was none named for it. To relieve Langdale at Carlile brought us out of the roade, and truelie we never came in the right way againe; so true is the old saying, once wrong and ay wrong. At Hornbie, a days march beyond Kendall, it was advisd whether we sould march be Lancashire, Cheshire and the western counties, or if we sould goe into Yorkshire, and so put ourselvs in the straight roade to London, with a resolution to fight all wold oppose us. Calander was indifferent; Middleton was for Yorkshire, Baillie for Lancashire. When my opinion was askd, I was for Yorkshire, and for this reason onlie, that I understood Lancashire was a close countrey, full of ditches and hedges; which was a great advantage the English would have over raw and undisciplind musketeers; the Parliaments armie consisting of experienced and well traind sojors, and excellent firemen; on the other hand, Yorkshire being a more open countrey, and full of heaths, where we both might make use of our horse, and come sooner to push of pike. My Lord Duke was for Lancashire way, and it seemd he had hopes that some forces would joyne with him in his march that way. I have indeed heard him say, that he thought Manchester his ounce, if he came neere it. Whatever the matter was, I never saw him tenacious in any thing during the time of his command bot in that. We choosd to goe that way, which led us to our ruine. Our march was much retarded by most rainie and tempestuous weather, wherof I spoke before, the elements fighting against us; and by staying for countrey horses to carry our little amunition. The vanguard is constantlie given to Sir Marmaduke, upon condition he sould constantlie furnish guides, pioneers for clearing the ways, and which was more than both these, to have good and certaine intelligence of all the enemies' motions. Bot whither it was by our falt or his neglect, want of intelligence helpd to ruine us; for Sir Marmaduke was well neere totallie routed before we knew that it was Cromwell that attacked us: *Quos vult perdere, hos dementat Jupiter.*

Beside Preston in Lancashire, Cromwell falls on Sir Marmadukes flanke. The English imagine it was one Colonell Ashton, a powerfull presbiterian, who had got together about 3000 men to oppose us, because we came out of Scotland without the Generall Assemblies permission. Marke the quarrell. While Sir Marmaduke disputes the matter, Baillie, by the Dukes order, marcheth to Ribble Bridge, and passeth it with all the foot, except tuo brigads. This was tuo miles from Preston. By my Lord Dukes command, I had sent some amunition and commanded men to Sir Marmaduks assistance; bot to no purpose; for Cromwell prevaild, so that our English first retird and then fled. It must be rememberd that the night before this sad encounter, E. Calander and Middleton were gone to Wigham, eight miles from thence, with a considerable part of the cavalrie. Calander was comd backe,

and was with the Duke, and so was I; bot upon the rout of Sir Marmadukes people, Calander got away to Ribble, where he arrivd safelic by a miracle, as I thinke; for the enemie was betuene the bridge and us, and had killd or taken most part of our tuo brigads of foot. The Duke with his guard of horse, Sir Marmaduke with many officers, among others myselfe, got into Preston toun, with intention to passe a foorde below it, though at that time not rideable. At the entrie of the toun the enemie pursued us hard. The Duke faced about, and put tuo troops of them to a retreat; bot so soone as we turnd from them, they turnd upon us. The Duke facing the second time, charged them, which succeded well. Being pursued the third time, my Lord Duke cryd to charge ance more for King Charles. One trooper refusing, he beate him with his suord. At that charge we put the enemie so farre behind us, that he could not overtake us so soone. Then Sir Marmaduke and I entreated the Duke to hast him to his armie; and truelie he shew heere as much personall valour as any man could be capable of. We suind the river, and so got to the place where Lieutenant Generall Baillie had advantageouslie lodgd the foot on the top of a hill, among very fencible inclosures.

After Calander came to the infantrie, he very inadvisedlie sent sixe hundreth musketeers to defend Ribble bridge; for the way Cromwell had to it was a descent from a hill that commanded all the champaigne, which was about ane English quarter of mile in length betuene the bridge and that hill where our foot were lodged; so that our musketeers haveing no shelter, were forced to ressave all the musketades of Cromwells infantrie, which was secure within thicke hedges; and after the loss of many men, were forced to runne backe to our foot. Here Claud Hammilton, the Dukes Lieutenant Colonell, had his arme broke with a musket bullet. The bridge being lost, the Duke calld all the Colonells together on horsebacke, to advise what was nixt to be done. We had no choyce bot one of tuo—either stay and maintaine our ground till Middleton (who was sent for), came backe with his cavalrie; or els march away that night, and find him out. Calander wold needs speake first; wheras by the custome of warre, he sould have told his opinion last, and it was to march away that night so soone as it was darke. This was seconded by all the rest except by Lieutenant Generall Baillie and myselfe. Bot all the arguments we used, as the impossibilitie of a safe retreat from ane enemie so powerfull of horse, in so very foule weather, and extremelie deepe way, our sojors exceeding wet, wearie, and hungrie, the inevitable losse of all our amunition, could not move my Lord Duke by his authoritie to contradict the shamefull resolution taken by the major part of his officers. After that the drumles march is resolvd on, and bot few horse appointed to stay in the reare of the foot, I inquired what sould become of our unfortunate amunition, since forward with us we could not get it. It was not thought fitt to blow it up that night, least thereby the enemie sould know of our retreat or rather flight. I was of that opinion too, bot for ane other reason; for we could not have bloune it then, without a visible mischiefe to ourselves, being so neare it. It was ordaind it sould be done three hours after our departure, by a traine; bot that being neglected, Cromwell got it all. Nixt morning we appeard at Wiggam Moore, half our number lesse than we were; most of the faint and wearie sojors haveing lagd behind, whom we never saw againe.



Leutenant Generall Middletone had misd us, for he came by ane other way to Ribble bridge. It was to be wisht he had still stayd with us. He, not finding us there, followd our tracke, bot hottlie pursued by Cromwells horse, with whom he skirmishd the whole way, till he came within a mile of us. He lost some men, and severall were hurt; among others Colonell Urrey got a dangerous shot on the left side of his heade, wherof, tho' he was afterward taken prisoner, he recovered. In this retreat of Middletons, which he managed well, Cromwell losd one of the gallantest officers he had, Colonell Thornton, who was runne in the breaste with a lance, wherof he dyed. After Lieutenant Generall Middletons coming, we beganne to think of fighting in that moore; bot that was found impossible, in regard it was nothing large, and invironed with enclosurs which commanded it; and these we could not maintaine long, for want of that amunition we had left behind us; and therefore we marchd forward with intention to gaine Warinton, ten miles from the moore we were in; and there we conceavd we might face about, havinge the command of a toun, a river, and a bridge. Yet, I conceave there was bot few of us thought we might be beaten, before we were masters of any of them. It was towards evening, and in the latter end of August, when our horse beganne to march. Some regiments of them were left with the reare of the foot; Middleton stayd with them; my Lord Duke and Calander were before. As I marchd with the last brigad of foot through the toun of Wiggam, I was alarmd that our horse behind me were beaten, and runne severall ways, and that the enemy was in my reare. I faced about with that brigad, and in the market place serrd the pikes together, shoulder to shoulder, to keepe up any sould charge, and sent orders to the rest of the brigads before to continue their march, and follow Lieutenant Generall Baillie, who was before them. It was then night, bot the moone shone bright. A regiment of horse of our owne appeared first, riding very disorderlie. I got them to stop, till I commanded my pikes to open, and give way for them to ride or runne away, since they wold not stay. Bot my pikemen being demented, (as I thinke we were all,) wold not heare me, and tuo of them runne full tilt at me. One of their pikes, which was intended for my bellic, I gripd with my left hand; the other run me neere two inches in the innerside of my right thigh; all of them crying, that all of us were Cromwells men. This was an unseasonable wound, for it made me after that night unservicable. This made me forget all rules of modestie, prudenece, and discretion. I rode to our horse, and desird them to charge through these foot. They, fearing the hazard of the pikes, stood. I then made a cry come from behind them, that the enemy was upon them. This encouragd them to charge my foot so fiercelie, that the pikemen threw doune their pikes and got into houses. All the horse gallopd away; and, as I was told afterwards, rode not thorough bot over our whole foot, treading them doune; and in this confusion Colonell Lockheart was trode doune from his horse, with great danger of his life. Thogh the enemy was neere, yet I beate drums to gather my men together. Shortlie after came Middletone, with some horse. I told him what a disaster I had met with, and what a greater I expected. He told me, he wold ride before and make the horse halt. I marchd, however, all that night, till it was faire day; and then Baillie, who had rested a litle, intreated me to goe into some house and repose on a chaire; for I had

sleepd none in tuo nights, and eate as litle. I alighted, bot the constant alarums of the enemies approach made me resolve to ride forward to Warinton, which was bot a mile; and indeed I may say I sleepd all that way, notwithstanding my wound. I thought to have found either the Duke or Calander, or both heere, bot I did not; and indeed I was often told that Calander earried away the Duke with him, much against his mind. Heere did the Lieutenant Generall of the foot meet with ane order, wherby he is required to make as good conditions for himselfe and those under him as he could; for the horse wold not come backe to him, being resolvd to preserve themselves for a better time. Baillie was surprisd with this, and lookeing upon that action which he was orderd to doe as full of dishonor, he losd much of that patience of which naturallie he was master, and beseechd any that wold to shoot him thorough the head. At length, having somthing composd himselfe, and much solicited by the officers who were by him, he wrote to Cromwell. I then told him, that so long as ther was a resolution to fight, I wold not goe a foot from him; bot now that they were to deliver themselves prisoners, I wold preserve my libertie as long as I could, and so tooke my leave of him, carrying my wounded thigh away with me. I met immediatlie with Middletone, who sadlie condold the irrecoverable losses of the tuo last days. Within tuo hours after, Baillie and all the officers and sojors that were left of the foot, were Cromwells prisoners. I got my wound dressd that morning by my owne surgeon, and tooke from him these things I thought necessare for me, not knowing when I might see him againe; as indeed I never saw him after.

That unhappie day we met with Cromwell at Preston, some regiments of horse, and our Irish auxiliaries under the command of Sir George Monro, (who were fiftene hundreth good foot and three hundreth horse, and were appointed, against all reason of warre, to be constantlie a days marche behind us) all of them, I say, finding the enemy had got betweene us and them, marchd straight backe to Scotland, and joynd with E. Lairicks forces. Bot so soone as the news of our defeate came to Scotland, Argile and the Kirks partie rose in armes everie mothers sonne—and this was calld the Whiggamer rode. Da. Leslie was on their heade, and old Leven in the Castle of Edinburgh, cannonading the royall troopes when they came in view of him. Yet might they have been all very soone conjurd to be quiet, if the royalists had not snffered themselves to be cheated by a treatie, by which they were obligd to lay down armes, and quite their power in civil and militarie affaires. But the principall men of them, particularlie the Earles of Lauderdale and Lainrick, Sir George Monro, Dalzell and Drummond, and others, found it not saife to trust the Sainets too much, and, therfor, crosd the seas, to take sanctuarie in Holland. Cromwell at Warinton sends Lambert with a sufficient cavalerie after us, and follows Monro with the strength of his armie to the Border, and there is invited by the Presbyterians to enter Scotland. He gets Berwick and Carlile baselie ycelded to him; and in one of them a number of English gentlemen who had servd the King; ane infamous act! He is feasted by old Leven, (peerer of ane tree) in the Castle of Edinburgh; which within tuo yeares after he made his onne. These men, who courted him, were so faithfull to the Covenant, that if fame wrong not some of them, they agreed with him in my Lady Homes house in the Canongate, that there was a necessitie to take away the King's life.



Now, for the good intertainment the Presbyterians had given this Arch Independent, at his returne to England, he left Lambert, (who had dispatched us before) with foure regiments of horse, to defend them against the Malignants (for so were honest men called), till forces of their owne were raised, which was soone done. And then Acts of State and Kirke are made, to incapacitate all who had bene in England with the Duke, all who had abetted that engagment, or had consented to it, from any office, charge or employment in State, Church, or Militia; and numbers of honest Ministers upon that same account, turned out of their benefices and livelihoods.

To turn to the Duke in England. At night, after I left Warinton, when I came to him, all the resolution I found taken was, to march forward a day or two, and then by a turne to endeavour to get into Scotland; for there was then no visible partie for the King in England to joyne with; Cromwell having, before he came to us, routed and broken all these who rose in Wales, and hangd many of the principal gentlemen of them. And Fairfax had broke all these who rose for the King in other counties, first under the Earle of Holland, and then under the Earle of Norwich, chaceing him and the remainder of them into Colchester, which, after a siege, was surrendered to him on discretion, as I thinke. Heere Sir Charles Lucas and Sir George Lile were cruellie dealt with, having bot two houres given them to prepare for death; and after that short time, by the instigation of wicked Ireton, Cromwells sonne in law, mercilesly shot dead.

The first day, then, of the Dukes march from that place where I found him, was to Whitechurch, (in what countie I do not remember.) There a great number of the countrey traind bands appeared against us, bot were quicklie put to flight by Middleton, without bloodshed. That day we marchd many miles, and at night most of all the horse lodgd in the field, where their horses fed well. Some officers went to houses; bot I lodgd at a hedge, and sleepd there so sound, that at break of day the trumpets could not waken me; that being the fourth night in which I had sleepd none, except on horsebacke. Nixt day we made a long halt at a countrey toune, I thinke in Staffordshire, called Stone. Heere, because we had not enemies enough to take our lives, a trooper killd his owne Ritmaster, one Patrick Grey, who had bene a captaine under me in my Lord Simlar's regiment. The trooper was in the place shot dead, by my Lord Dukes command; who, to speake truelie, was too spareing in taking lives, his clemencie occasioning the keeping very bad discipline the whole time of our march in England. A litle after we had removd from that place, Lieutenant General Middleton making good the reare against some of the countrey militia troopes, was taken; his horse having fallen under him. He was carried to Stafford; and indeed after that, we might trulie have said, we were all prisoners; for I am sure enough, if he, or rather we, had escapd that misfortune, such unhappie accidents had bene prevented by him, which shortlie ruind us. And I know not bot he keeping us united, might not at a long runne have brought himselfe and most of us to Scotland. We came at night to Uxeter, in most tempestuous, windie, and rainie weather. Nixt morning, when we were on our march, a great unwillingness in the horsemen, and some of their officers to march further; the wearines of both man and horse, and irresolution whether to goe, and most of all, a fatalitie which pursud us, made the Duke turne

backe and take up his quarters in the same toune. Neither that day nor nixt night was any thing resolvd on, bot to rest and refresh man and horse, and then either treat with these forces that had surrounded us, or fight them and march away. Sir Marmaduk Langdale, and these few English who were with him, had left us at Uxeter. He was taken afterward, bot savd his life by escapeing out of prison. The Duke and Calander fell out, and were at very hie words at supper, where I was; each blameing the other for the misfortune and miscarriage of our affaires; in which contest I thought the Duke had the better of it. And heere, indeed, I will say, that my Lord Dukes great fault was in giving E. Callander too much of his pouer all along; for I have often heard him bid him doe wha the pleased, promising to be therewith well contented. And therfor Calander was double to be bland, first for his bad conduct, (for that was inexcusable,) and nixt for reproaching the Duke with that whereof himselfe was guiltie. To fill up the measure of our misfortunes, our troopers mutine against the Duke, Calander, and all their officers. Whether this proceeded of their owne wickednes, or by the instigation of some of their owne commanders, which I then shrewdly suspected, is uncertaine. The Duke and Calander are keepd prisoners, with strong guards of the mutineers, all nixt night in the Dukes lodgeing, with many other officers, and among others myselfe. Nixt morning, so soone as I could see, I eald over the window of the Dukes bedchamber to them, and askd them, if they were not yet ashamd of the base usage they had given their Generall, and of that contempt they had shown of all discipline, and of the ignominie of this action; and requird them, if for no other reason, yet for their owne safetie from the common enemy, to returne to their dnetie, and goe home to their lodgings. Immediatly they removd their guards, and went to their severall quarters, cursing in generall words these who had prompted them to the mutinie; which augmented my former suspition, but it was no time to make a striet inquire in the busieness. Shortlie after, Calander went away, with as many as would follow him; which indeed were more than the halfe of these were in toune. No intreatie of the Duke or mediation of the officers could prevaile with him. I dealt particularly with him, bot in vaine. He usd many arguments to move me to goe along with him, bot I told him, if I keepd my life, I wold be one of the last men sould stay with the Generall. I heard that not long after he was deserted by all that went with him, as he had deserted my Lord Duke. Yet he had the good fortune (which I believe no other officer of our armie had,) to get safe to London in disguise, and from thence to Holland.

\* \* \*

Calander being gone, there was an absolute necessitie imposed on the Duke to capitulate with the Governor of Stafford, who had about 3000 of the countrey militia with him, with which we were surrounded. Sir James Foulis of Colinton, Colonel Lockheart and myselfe are namd and commissioned by my Lord Duke to treat. We met with the governour and some of the principall gentlemen, three miles from Uxeter, at a very pleasant house in Staffordshire, where, as they had told us, Mary Queene of Scots had bene long keepd prisoner. This with superstitious people wold have lookd ominous for us, who were of that nation. In our treatie, we found them very civill and rationally, and so much friends to Monarchie,



that we had reason to expect no bad conditions from them. Bot Fortune had not yet made peace with us. We are interrupted by a messenger sent by Lambert, to acquaint both them and us that he was cound within tuo miles of that place, and that, if we wold treate, it must be with him. These were no good news, yet we presentlie horsd and went to him. We found him very disereet, and his expressions civill enough. He appointed three principall officers to treate with us, wherof Lieutenant Generall Lilburn was one. After much discourse, they offerd to us, if we wold redeliver Berwick and Carlile to the English Parliament, we should be permitted to goe; nay, we should be convoyd baek to Seotlande. We told them we had no pouer in our comission to speake of these townes; and so other articles were agreed on by us, bot not signd till I could goe first to the Duke and show him, if he wold surrender these tuo towns, he and all with him should have their libertie; if not, we were by the articles all prisoners. He absolutlie refusd to ingadge for the deliverie of these places, as a thing he said was not in his pouer; justlie suspecting the Deputie Governors of the towns wold not obey his orders in the condition he was; and so with many sorrowfull expressions dismissed me. Upon the way, as I returned, I met Lambert, with some troops, who told me he was going to save my Lord Duke from my Lord Grey of Groobie, who was marching towards Uxeter on the other side of the tounne, which I knew before I came from the Duke to be true. He desird me, by all meanes to hast the signing of the articles, which he promised to ratifie. At my return I told my comerads what reason we had to make haste; and haveing reported the Dukes answer to the English officers, we all immediatlie signd the articles, which, indeed, if they had been malitious, they might have wavd; for whill we were about it, one Major Gib, ane officer of our oune, came very unmannerlie into the roomme, belehing out his folly in these words: "Gentlemen, what doe ye dooe? The Duke and all who are with him are my Lord Greys prisoners." Yet the commissioners signed for all that; and indeed my Lord Duke was by that time prisoner, bot Lambert tooke the protection of him; for our agreement was ratified by him, and by the Duke too, for he was not to be esteemed a prisoner, because taken in the time of a cessation and treatie, against custome of warre. Our first artiele was for the Duke, that he should oulie be a prisoner of warre, nor should his life ever be questiond or in danger. He should keep his George; sixe of his servants, such as he should eboose, should be permitted to attend him, and sixe of his best horses likewise; that in his prison accesse of all persons to him should be allowd;—conditions good enough, but very ill keepd. The summe of the rest of the articles was this: That all of us, both officers and sojors, should be prisoners of warre, bot civillie used, till we could procure our libertie by exchange or ransom; that all of us should keepe the cloths we had on us, and all the gold and money we had about us, all other baggage, armes, and horses, should be bootie and prise to the victor. We three who had capitulated, were orderd to be carried to Stafford, where Middleton was. The Captain who conducted us thither got our horses and armes. As we rode thorough Uxeter, we made a stand at the window of the Dukes chamber; and he looking out, we tooke our eternall farewell of him, with sad hearts parting from him we were never to see againe. He spoke kindlie to us, and so we left him to act the last and worst part of his tragedie.

\* \* \* \*

What was intended for the Kings reliefe and restoration posted him to the grave. His sad imprisonment calld for assistance from all his loyall subjects, which as a duetie the laws both of God and man seemd to impose on them. Our hopes of success were great, grounded on the equitie of our just undertaking, the prevailing of the royall partie in Ireland, the returne of most of the navie to their duetie and obedience, under the then Princee of Wales, now King; the numerous and loyall risings of many shires in England and Wales, against that usurped pouer which kept his Majestie in restraint, and upon our oune strength; for our armie was intended to have beene tuentie thousand foot, and sixe thousand horse and dragoons. Bot we never amounted to fourteene thousand in all. These were honnest and fair motives for that loyall and well intended engadgment of ours; bot,

*Ludit in humanis divina potentia rebus.*

[The foregoing narrative of the Duke of Hamilton's luckless expedition in furtherance of the engagement, is the best written account of it that we have anywhere seen; and it bears internal evidence of fidelity. It is copied from the only edition of it ever printed—viz. by the Baunatyne Club in 1829.]

1649.—Friday, January 19.

#### 7. *Trial of King Charles the First.\**

Commissioners present at Westminster-Hall,  
January 29, 1648-9.

John Bradshaw Serjeant at Law, Lord President; Oliver Cromwell, Henry Ireton, Sir Hardress Waller, Valentine Walton, Thomas Harrison, Edward Whaley, Thomas Pride, Isaac Ewer, Thomas Lord Grey of Groby, William Lord Mounson, Sir John Danvers, Sir Thomas Maleverer Baronet, Sir John Bourchier Knight, Isaac Penington Alderman of London, Henry Martin, William Purefoy, John Barkstead, John Blackiston, Gilbert Millington, Sir William Constable Baronet, Edmond Ludlow, John Hutchinson, Sir Michael Livesey Baronet, Robert Tieburne, Owen Roe, Robert Lilburn, Adrian Scroope, Thomas Horton, Thomas Hammond, John Lisle, Nicholas Love, Vincent Potter, Augustine Garland, Richard Deane, John Okey, John Huson, William Goffe, Cornelius Holland, John Carew, John Jones, Thomas Lyster, Peregrine Pelham, Francis Allen, Thomas Chaloner, John More, William Say, John Alured, Francis Lassells, Henry Smith, James Chaloner, Humphry Edwards, Gregory Clement, John Fry, Sir Gregory Norton Baronet, Edmond Harvey, John Ven, Thomas Scot, William Cawley, Anthony Stape'ey, John Downs, John Dixwell, Simon Meyne, James Temple, Peter Temple, Daniel Blagrove, John Browne.

This done, the Court commanded the Serjeant at Arms to send for the Prisoner, and thereupon Col. Thomliuson, who had the Charge of the Prisoner, within a quarter of an hours space brought him, attended by Col. Hacker, and 32 Officers with Partizans, guarding him to the Court, his own Servants immediatly attending him. Being thus brought up

\* Rushworth, part iv., vol. ii., p. 1395, *et seq.*



in the Face of the Court, the Serjeant at Arms with his Mace receives him, and conducts him straight to the Bar, having a Crimson Velvet Chair set before him. After a stern looking upon the Court, and the People in the Galleries on each side of him, he places himself in the Chair, not at all moving his Hat, or otherwise shewing the least respect to the Court; but presently riseth up again, and turns about, looking downwards upon the Guards placed on the left side, and on the multitude of Spectators on the right side of the said great Hall: the Guard that attended him in the mean time dividing themselves on each side the Court, and his own Servants following him to the Bar.

The Prisoner having again placed himself in his Chair with his Face towards the Court; and Silence being again ordered and proclaimed, the Lord President in the Name of the Court, addressed himself to the Prisoner, acquainting him, That the Commons of England assembled in Parliament, being deeply sensible of the Evils and Calamities that had been brought upon this Nation, and of the innocent Blood that had been spilt in it, which was fixed upon him as the principal Author of it, had resolved to make Inquisition for this Blood; and according to the Debt they did owe to God, to Justice, the Kingdom and themselves, and according to that fundamental Power that rested, and Trust reposed in them by the People, other means failing through his Default, had resolved to bring him to Tryal and Judgment, and had therefore constituted that Court of Justice before which he was then brought, where he was to hear his Charge, upon which the Court would proceed according to Justice.

Hercupon Mr Cook, Solieitor for the Commonwealth, standing within the Bar, with the rest of the Counsel for the Commonwealth, on the right Hand of the Prisoner, offered to speak; but the Prisoner having a Staff in his Hand, held it up, and softly laid it upon the said Mr Cooks Shoulder two or three times, bidding him hold. Nevertheless the Lord President ordering him to go on, Mr Cook did, according to the Order of the Court to him directed, in the Name and on the behalf of the People of England, exhibit a Charge of High-Treason and other High Crimes, and did therewith accuse the said Charles Stuart King of England; praying in the Name and on the behalf aforesaid, that the Charge might be accordingly received and read, and due Proceedings had thereupon; and accordingly preferred a Charge in writing, which being received by the Court, and delivered to the Clerk of the Court, the Lord President in the name of the Court ordered it should be read.

But the King interrupting the reading of it, the Court notwithstanding commanded the Clerk to read it, acquainting the Prisoner, that if he had any thing to say after, the Court would hear him. Whereupon the Clerk read the Charge, which is as followeth.

That the said Charles Stuart, being admitted King of England, and therein trusted with a limited Power to govern by, and according to the Laws of the Land, and not otherwise; and by his Trust, Oath and Office, being obliged to use the Power committed to him for the Good and Benefit of the People, and for the Preservation of their Rights and Liberties: yet nevertheless out of a wicked Design to creet and uphold in himself an unlimited and Tyrannical Power to rule according to his Will, and to overthrow the Rights and Liberties of the People, yea to take away and make void the Foundations thereof, and of all Redress and Remedy of

Mis-government, which by the Fundamental Constitutions of this Kingdom were reserved on the Peoples behalf in the Right and Power of frequent and successive Parliaments, or National Meetings in Councel; He the said Charles Stuart, for accomplishment of such his Designs, and for the protecting of himself and his Adherents in his and their wicked Practices, to the same Ends hath traitorously and maliciously levyed War against the present Parliament, and the People therein represented, particularly upon or about the thirtieth day of June, in the year of our Lord 1642, at Beverly in the County of York; and upon or about the 30th day of July in the year aforesaid in the County of the City of York; and upon or about the 24th day of August in the same year, at the County of the Town of Nottingham, where and when he set up his Standard of War; and also on or about the 23d day of October in the same year, at Edghil or Keynton-field in the County of Warwiek; and upon or about the 30th day of November in the same year at Brentford in the County of Middlesex; and upon or about the 30th day of August in the year of our Lord 1643, at Caversham Bridg near Reading in the County of Berks; and upon or about the 30th day of October in the year last mentioned, at or upon the City of Glocester; and upon or about the 30th day of November in the year last mentioned, at Newbury in the County of Berks; and upon or about the 31st day of July in the year of our Lord 1644, at Cropredy Bridg in the County of Oxon; and upon or about the 30th day of September in the last year mentioned, at Bodmyn and other places near adjacent, in the County of Cornwall; and upon or about the 30th day of November in the year last mentioned, at Newbury aforesaid; and upon or about the 8th day of June in the year of our Lord 1645, at the Town of Leicester; and also upon the 14th day of the same Month in the same year, at Naseby-field in the County of Northampton. At which several times and places, or most of them, and at many other places in this Land, at several other times within the years aforementioned, and in the year of our Lord 1646, he the said Charles Stuart hath caused and procured many thousands of the free People of this Nation to be slain: and by Divisions, Parties, and Insurrections within this Land, by Invasions from foreign Parts, endeavoured and procured by him, and by many other evil ways and means, he the said Charles Stuart hath not only maintained and carried on the said War both by Land and Sea, during the years before-mentioned; but also hath renewed, or caused to be renewed, the said War against the Parliament and good People of this Nation in this present year 1648, in the Counties of Kent, Essex, Surry, Sussex, Middlesex, and many other Counties and places in England and Wales, and also by Sea. And particularly He the said Charles Stuart hath for that purpose given Commission to his Son the Prince, and others, whereby, besides multitudes of other Persons, many such as were by the Parliament intrusted and imployed for the safety of the Nation (being by him or his Agents corrupted to the betraying of their Trust, and revolting from the Parliament) have had Entertainment and Commission for the continuing and renewing of War and Hostility against the said Parliament and People as aforesaid. By which cruel and unnatural Wars, by him the said Charles Stuart levyed, continued, and renewed as aforesaid, much innocent Blood of the free People of this Nation hath been spilt, many Families have been undone, the publiek Treasure wasted and exhausted, Trade obstructed and miserably decayed, vast Expence



and Damage to the Nation incurred, and many parts of this Land spoiled, some of them even to desolation. And for further Prosecution of his said evil Designs, He the said Charles Stuart doth still continue his Commissions to the said Prince, and other Rebels and Revolters both English and Foreigners, and to the Earl of Ormond, and to the Irish Rebels and Revolters associated with him; from whom further Invasions upon this Land are threatned, upon the procurement, and on the behalf of the said Charles Stuart.

"All which wicked Designs, Wars, and evil Practices of him the said Charles Stuart have been, and are carried on for the advancement and upholding of a personal Interest of Will, Power, and pretended Prerogative to himself and his Family, against the publick Interest, Common Right, Liberty, Justice, and Peace of the People of this Nation, by and from whom he was intrusted as aforesaid.

"By all which it appeareth that the said Charles Stuart hath been, and is the Occasioner, Author, and Continuer of the said unnatural, cruel, and bloody Wars; and therein guilty of all the Treasons, Murders, Rapines, Burnings, Spoils, Desolations, Damages, and Mischiefs to this Nation, acted and committed in the said Wars, or occasioned thereby."

Saturday, January 20.

This day the High Court of Justice for trial of the King sat in the Painted Chamber, and from thence adjourned about two in the afternoon to the place built for that Court in Westminster-Hall. The President had the Mace and Sword carried before him, and 20 Gentlemen attended as his Guard with Partizans, commanded by Col. Fox.

After an *O Yes* made, and silence commanded, the Act of the Commons in Parliament for sitting of the said Court was read, and the Court was called, there being above 60 Members of it present. Then the King (who lay the night before in St. James's, and was brought this day to Whitehall, and thence by Water, guarded with Musqueteers, in boats to Sir Robert Cotton's House) was brought to the Bar. To which there attended him Col. Hacker, with about 30 Officers and Gentlemen with Halberts. At his coming to the foot of the Stairs, he was met with the Mace of the Court, and conducted to a Chair within the Bar, where he sat down in the face of the Court.

The Lord President in a short Speech acquainted the King with the cause of his being brought thither; that it was in order to his Trial upon a Charge against him by the Commons of England, which was then to be read, and the King to give his answer thereunto.

His Majesty made an offer to speak something before reading of the Charge, but upon some interruption was silent. And then his Charge was read, by which he was charged, by the name of *Charles Stuart King of England*, as guilty of all the Blood that hath been shed in these Wars at Keynton, Brentford, Newbury, and such other places as he was present at in Arms against the Parliament, and other particulars very large. The King smiled at the reading of his Charge, and after reading of it demanded of the Lord President, by what lawful Authority he was brought thither? Being answered, *In the name of the COMMONS of England*: He replied, he saw no Lords there, which should make a Parliament, including the King; and urged, That the Kingdom of England was hereditary and not successive; and that he should betray his Trust, if

he acknowledged or answer'd to them, for that he was not convinced they were a lawful Authority. So that after he had been often commanded to answer, and refused, he was remanded to Sir Robert Cotton's House, and afterwards removed back to St. James's, where he lay this night; and the Court adjourned till Monday 10 a Clock in the Forenoon, further to consider of this business.

Monday, January 22.

The Court being sat, *O Yes* made, and silence commanded, the King was sent for; whereupon Mr Solicitor Cook moved the Court, That whereas he had at the last Court, in the behalf of the Commons of England, exhibited a Charge of High Treason, and other High Crimes, against the Prisoner at the Bar, whereof he stands accused in the name of the People of England, and the Charge was read, and his Answer required, he was not then pleased to give answer, but instead of answering, did there dispute the Authority of this High Court: His humble Motion was, That the Prisoner may be directed to make a positive answer, either by way of Confession or Negation, which if he shall refuse to do, that the matter of charge may be taken *pro confesso*, and the Court may proceed according to Justice.

*Lord President.* Sir, You may remember at the last Court you were told the occasion of your being brought hither, and you heard a Charge read against you, containing a Charge of High Treason, and other High Crimes against this Realm of England, and instead of answering, you interrogated the Court's Authority and Jurisdiction. Sir, The Authority is the Commons of England in Parliament assembled, who require your answer to the Charge either by confessing or denying.

*King.* When I was here last, 'tis very true I made that Question: And truly if it were only my own particular case, I would have satisfied my self with the Protestation I made the last time I was here against the legality of this Court, and that a King cannot be tried by any superiour Jurisdiction on Earth: but it is not my case alone, it is the freedom and the liberty of the People of England; and do you pretend what you will, I stand more for their Liberties: for if Power without Law may make Laws, may alter the fundamental Laws of the Kingdom, I do not know what Subject he is in England that can be sure of his life or any thing that he calls his own: Therefore when that I came here, I did expect particular Reasons to know by what Law, what Authority you did proceed against me here: And therefore I am a little to seek what to say to you in this particular, because the Affirmative is to be proved; the Negative often is very hard to do, but since I cannot persuade you to it, I shall tell you my Reasons as short as I can.

My Reasons why in Conscience and Duty I owe to God first, and my People next, for the preservation of their Lives, Liberties, and Estates; I conceive I cannot answer this till I be satisfied of the legality of it. All Proceedings against any Man whatsoever—

*Lord President.* Sir, I must interrupt you, which I would not do, but that what you do is not agreeable to the Proceedings of any Court of Justice; you are about to enter into argument and dispute concerning the Authority of this Court, before whom you appear as a Prisoner, and are charged as a High Delinquent. If you take upon you to dispute the Authority of the Court, we may not do it: nor will any Court give way unto it. You are to submit to it: you are to give a punctual and direct



answer, whether you will answer your Charge or no, and what your answer is.

*King.* Sir by your favour, I do not know the Forms of Law, I do know Law and Reason, though I am no Lawyer professed. But I know as much Law as any Gentleman in England; and therefore (under favour) I do plead for the Liberties of the People of England more than you do: and therefore if I should impose a Belief upon any without Reasons given for it, it were unreasonable; but I must tell you, that by that Reason that I have as thus informed, I cannot yield unto it.

*Lord President.* Sir, I must interrupt you, you may not be permitted: you speak of Law and Reason; it is fit there should be Law and Reason, and there is both against you, Sir: the Vote of the Commons of England assembled in Parliament, it is the Reason of the Kingdom; and they are these two that have given being to that Law according to which you should have ruled and reigned. Sir, you are not to dispute our Authority, you are told it again by the Court: Sir, it will be taken notice of that you stand in contempt of the Court, and your Contempt will be recorded accordingly.

*King.* I do not know how a King may be a Delinquent, by any Law that ever I heard of: all Men (Delinquents or what you will) let me tell you they may put in Demurrers against any Proceeding as legal; and I do demand that, and demand to be heard with my Reasons; if you deny that, you deny Reason.

*Lord President.* Sir, you have offered something to the Court, I shall speak something to you, the Sense of the Court: Sir, neither you nor any Man are permitted to dispute that point, you are concluded, you may not demur to the Jurisdiction of the Court: if you do, I must let you know they overrule your Demurrer; they sit here by the Authority of the Commons of England, and all your Predecessors and you are responsible to them.

*King.* I deny that, shew me one Precedent.

*Lord President.* Sir, you ought not to interrupt while the Court is speaking to you: This Point is not to be debated by you, neither will the Court permit you to do it; if you offer it by way of demur to the Jurisdiction of the Court, they have considered of their Jurisdiction, they do affirm their own Jurisdiction.

*King.* I say, Sir, by your favour, That the Commons of England was never a Court of Judicature; I would know how they came to be so.

*Lord President.* Sir, you are not to be permitted to go on in that speech, and these Discourses.

Then the Clerk of the Court read as follows:

Charles Stuart King of England, You have been accused on the behalf of the People of England, of High Treason, and other high Crimes; the Court have determined, that you ought to answer the same.

*King.* I will answer the same so soon as I know by what Authority you do this.

*Lord President.* If this be all that you will say, then Gentlemen you that brought the Prisoner hither, take charge of him back again.

*King.* I do require that I may give in my Reasons why I do not answer; and give me time for that.

*Lord President.* Sir, it is not for Prisoners to require.

*King.* Prisoners! Sir, I am not an ordinary Prisoner.

*Lord President.* The Court has considered of their Jurisdiction, and they have already affirmed their Jurisdiction; if you will not answer, we will give order to record your Default.

*King.* You never heard my Reasons yet.

*Lord President.* Sir, your Reasons are not to be heard against the highest Jurisdiction.

*King.* Shew me that Jurisdiction, where Reason is not to be heard.

*Lord President.* Sir, We shew it you here, the Commons of England; and the next time you are brought, you will know more of the pleasure of the Court, and it may be their final determination.

*King.* Shew me where-ever the House of Commons were a Court of Judicature of that kind.

*Lord President.* Serjeant, take away the Prisoner.

*King.* Well Sir, remember that the King is not suffered to give in his Reasons for the Liberty and Freedom of all his Subjects.

*Lord President.* Sir, you are not to have Liberty to use this Language: how great a Friend you have been to the Laws and Liberties of the People, let all England and the World judg.

*King.* Sir, under favour, it was the Liberty, Freedom, and Laws of the Subject that I ever took to defend my self with Arms; I never took up Arms against the People, but for the Laws.

*Lord President.* The command of the Court must be obeyed; no Answer will be given to the Charge.

*King.* Well, Sir.

And so he was guarded forth to Sir Robert Cotton's House.

Then the Court adjourned until the next day.

#### *The King's Reasons against the Jurisdiction of the Court.*

His Majesty still persisting not to own the Court, they refused to permit him to deliver his Reasons against the Jurisdiction of the Court by word of mouth: Nevertheless his Majesty thought fit to leave them in writing to posterity, which follow in these words:—

“Having already made my Protestations, not only against the illegality of this pretended Court, but also, That no earthly Power can justly call me (who am your King) in question as a Delinquent, I would not any more open my Mouth upon this occasion, more than to refer my self to what I have spoken, were I in this case alone concerned: but the Duty I owe to God in the preservation of the true liberty of my People will not suffer me at this time to be silent: For, how can any free-born Subject of England call Life or any thing he possesseth his own, if Power without Right daily make new, and abrogate the old fundamental Laws of the Land? which I now take to be the present ease. Wherefore when I came hither, I expected that you would have endeavoured to have satisfied me concerning these grounds, which hinder me to answer to your pretended Impeachment. But since I see that nothing I can say will move you to it (tho Negatives are not so naturally proved as Affirmatives) yet I will shew you the reason why I am confident you cannot judg me, nor indeed the meanest Man in England: For I will not (like you) without shewing a Reason, seek to impose a Belief upon my Subjects.

“There is no Proceeding just against any Man, but what is warranted either by God's Laws, or the municipal Laws of the Country where he lives. Now I am most confident this Day's Proceeding cannot be warranted by God's Laws: For on the contrary, the Authority of Obedience unto Kings is clearly warranted, and strictly commanded in both the Old and New Testament, which if denied, I am ready instantly to prove.

“And for the Question now in hand, there it is



said, *That where the word of a King is, there is Power; and who may say unto him, What dost thou? Eccles. 8, 4.* Then for the Law of this Land, I am no less confident, that no learned Lawyer will affirm, That an Impeachment can lie against the King, they all going in his Name: And one of their Maxims is, That the King can do no wrong. Besides, the Law upon which you ground your Proceedings, must either be old or new: if old, shew it; if new, tell what Authority, warranted by the fundamental Laws of the Land, hath made it, and when. But how the House of Commons can erect a Court of Judicature, which was never one it self (as is well known to all Lawyers) I leave to God and the World to judge: And it were full as strange, that they should pretend to make Laws without King or Lords House, to any that have heard speak of the Laws of England.

“And admitting, but not granting, that the People of England’s Commission could grant your pretended Power, I see nothing you can shew for that; for certainly you never asked the Question of the tenth Man in the Kingdom, and in this way you manifestly wrong even the poorest Ploughman, if you demand not his free consent: nor can you pretend any colour for this your pretended Commission, without the consent at least of the major part of every man in England of whatsoever Quality or Condition, which I’m sure you never went about to seek, so far are you from having it. Thus you see that I speak not for my own Right alone, as I am your King, but also for the true liberty of all my Subjects, which consists not in the power of Government, but in living under such Laws, such a Government, as may give themselves the best assurance of their Lives, and property of their Goods: nor in this must or do I forget the Privileges of both Houses of Parliament, which this Days Proceedings do not only violate, but likewise occasion the greatest Breach of their publick Faith that (I believe) ever was heard of, with which I am far from charging the two Houses: for all the pretended Crimes laid against me, bear date long before this Treaty at Newport, in which I having concluded as much as in me lay, and hopefully expecting the Houses Agreement thereunto, I was suddenly surprized and hurried from thence as a Prisoner; upon which account I am against my Will brought hither, where since I am come, I cannot but to my Power defend the antient Laws and Liberties of this Kingdom, together with my own just Right. Then for any thing I can see, the higher House is totally excluded; and for the House of Commons, it is too well known that the major Part of them are detained or deterred from sitting: so as if I had no other, this were sufficient for me to protest against the lawfulness of your pretended Court. Besides all this, the Peace of the Kingdom is not the least in my Thoughts; and what hope of Settlement is there, so long as Power reigns without Rule or Law, changing the whole Frame of that Government, under which this Kingdom hath flourished for many hundred Years? (nor will I say what will fall out in case this lawless, unjust Proceeding against me do go on) and believe it, the Commons of England will not thank you for this Change; for they will remember how happy they have been of late Years under the Reigns of Queen Elizabeth, the King my Father, and my self, until the beginning of these unhappy Troubles, and will have cause to doubt, that they shall never be so happy under any new: and by this time it will be too sensibly evident, that the Arms I took up, were only to defend the fundamental Laws of this Kingdom, against those who have supposed my

Power hath totally changed the antient Government.

“Thus having shewed you briefly the Reasons why I cannot submit to your pretended Authority, without violating the Trust which I have from God for the Welfare and Liberty of my People, I expect from you either clear Reasons to convince my Judgment, shewing me that I am in an Error (and then truly I will answer) or that you will withdraw your Proceedings.

“This I intended to speak in Westminster-Hall on Monday January 22, but against Reason was hindered to shew my Reasons.”

Tuesday, January 23.

This Day the High Court of Justice for trial of the King sat again in Westminster-Hall, 73 Persons present. The King comes in with his Guard, looks with an austere Countenance upon the Court, and sits down.

Mr Cook, Solicitor General, moved the Court, That whereas the Prisoner at the Bar, instead of giving answer to the Charge against him, did still dispute the Authority of the Court. That as according to Law, if a Prisoner shall stand as contumacious in contempt, and shall not put in an issuable Plea *Guilty* or *Not Guilty* of the Charge given against him, whereby he may come to a fair trial, that by an implicate Confession it may be taken *pro Confesso*, as it hath been done to those who deserved more favour than the Prisoner at the Bar has done: and therefore that speedy Judgment be pronounced against him.

*Lord President.* Sir, You have heard what is moved by the Counsel on the behalf of the Kingdom against you: Sir, you may well remember, and if you do not, the Court cannot forget what delatory dealings the Court has found at your hands. You were pleased to propound some questions; you had our Resolutions upon them: You were told over and over again, that the Court did affirm their own Jurisdiction; that it was not for you nor any other man to dispute the Jurisdiction of the supreme and highest Authority of England, from which there is no appeal, and touching which there must be no dispute; yet you did persist in such Carriage as you gave no manner of obedience, nor did you acknowledg any Authority in them, nor the High Court that constituted this Court of Justice.

Sir, I must let you know from the Court that they are very sensible of these delays of yours, and that they ought not, being thus authorized by the Supreme Court of England, to be thus trifled withal; and that they might in Justice, if they pleased, and according to the Rules of Justice, take advantage of these delays, and proceed to pronounce Judgment against you: yet nevertheless they are pleased to give direction, and on their behalfs I do require you, That you make a positive Answer unto this Charge, that is against you, Sir, in plain terms; for Justice knows no respect of Persons: you are to give your positive and final Answer in plain English, whether you be guilty or not guilty of these Treasons laid to your charge.

*The King* after a little pause said,

When I was here yesterday, I did desire to speak for the Liberties of the People of England; I was interrupted, I desire to know yet whether I may speak freely or no.

*Lord President.* Sir, you have had the resolution of the Court upon the like question the last day, and you were told that having such charge of so high a nature against you, your work was, That you ought to acknowledg the Jurisdiction of the Court,



and to answer to your Charge. Sir, if you answer to your Charge, which the Court gives you leave now to do, though they might have taken the advantage of your contempt; yet if you be able to answer to your Charge, when you have once answered, you shall be heard at large, make the best Defence you can: But, Sir, I must let you know from the Court, as their Commands, that you are not permitted to issue out into any other Discourses, till such time as you have given a positive answer concerning the matter that is charged upon you.

*King.* For the Charge, I value it not a rush; it is the Liberty of the People of England I stand for: For me to acknowledg a new Court, that I never heard of before; I that am your King, that should be an Example to all the People of England, to uphold Justice, to maintain the old Laws; indeed I do not know how to do it. You spoke very well the first day that I came here (on Saturday) of the Obligations that I had laid upon me by God, to the maintenance of the Liberties of my People: the same Obligation you spake of, I do acknowledg to God that I owe to him, and to my People, to defend as much as in me lies the antient Laws of the Kingdom. Therefore until that I may know that this is not against the fundamental Laws of the Kingdom, by your favour, I can put in no particular Answer. If you will give me time, I will shew you my Reasons why I cannot do it; and thus —

Here being interrupted, he said,

By your favour, you ought not to interrupt me; how I came here I know not; there's no Law for it, to make your King your Prisoner. I was in a Treaty upon the publick Faith of the Kingdom, that was the known — two Houses of Parliament, that was the Representative of the Kingdom; and when that I had almost made an end of the Treaty, then I was hurried away and brought hither, and therefore —

Here the *Lord President* said, Sir, you must know the pleasure of the Court.

*King.* By your Favour, Sir.

*Lord President.* Nay, Sir, by your favour, you may not be permitted to fall into those Discourses: you appear as a Delinquent, you have not acknowledged the Authority of the Court; the Court craves it not of you, but once more they command you to give your positive Answer.—Clerk, do your Duty.

*King.* Duty, Sir?

The Clerk reads a Paper, requiring the King to give a positive and final Answer by way of confession or denial of the Charge.

*King.* Sir, I say again to you, so that I might give satisfaction to the People of England of the clearness of my Proceedings, not by way of answer, not in this way; but to satisfy them, that I have done nothing against that trust that hath been committed to me, I would do it: but to acknowledg a new Court against their Privilege, to alter the fundamental Laws of the Kingdom, Sir, you must excuse me.

*Lord President.* Sir, This is the third time that you have publickly disowned this Court, and put an affront upon it; how far you have preserved the Privileges of the People, your Actions have spoke it: and truly, Sir, Mens Intentions ought to be known by their Actions, you have written your meaning in bloody Characters throughout the whole Kingdom; but, Sir, you understand the pleasure of the Court.—Clerk, record the Default.—And Gentlemen you that took charge of the Prisoner, take him back again.

*King.* I will say this one word more to you; if it were my own particular, I would not say any more, nor interrupt you.

*Lord President.* Sir, you have heard the pleasure of the Court, and you are (notwithstanding you will not understand it) to find that you are before a Court of Justice.

Then the King went forth with his Guard to Sir Robert Cotton's House, where he lay the last Night and this; and the Court adjourned till the next day.

Wednesday, January 24.

The House this day only met and adjourned.

This day it was expected the High Court of Justice would have met in Westminster-Hall about 10 of the Clock; but at the time appointed one of the Ushers, by Direction of the Court, (then sitting in the Painted Chamber,) gave notice to the People there assembled, That in regard the Court was then upon the examination of Witnesses in relation to present affairs in the Painted Chamber, they could not sit there, but to appear upon further Summons.

January 25, 1648-9.

The Court taking into Consideration the whole matter in charge against the King, passed these Votes following, as preparatory to the Sentence against the King; but ordered that they should not be binding finally to conclude the Court; viz.

"*Resolved upon the whole matter,* That this Court will proceed to Sentence of Condemnation against Charles Stuart King of England.

"*Resolved, &c.* That the Condemnation of the King shall be for a Tyrant, Traitor, and Murderer.

"*Resolved,* That the Condemnation of the King shall be likewise for being a Publick Enemy to the Commonwealth of England.

"*Resolved,* That this Condemnation shall extend to Death."

The Court adjourned it self till to morrow at one of the Clock in the Afternoon.

January 26, 1648-9.

Here the Court sat private.

The Draught of a Sentence against the King, is according to the Votes of the 25th instant prepared: and after several Readings, Debates, and Amendments by the Court thereupon,

"*Resolved, &c.* That this Court do agree to the Sentence now read.

"*Resolved,* That the said Sentence shall be ingrossed: That the King be brought to Westminster to morrow to receive his Sentence."

The Court adjourn'd it self till the morrow at 10 of the Clock in the morning to this place; the Court giving notice that they then intended to adjourn from thence to Westminster-Hall.

The High Court for Trial of the King proceeded in the hearing of Witnesses to prove the several parts of the Charge against him: some proving that they saw him present at the setting up of his Standard; others that they did see him in the Field in such and such Fights with his Sword drawn, and so as in his Charge, &c. When he is next called, if he plead, the Witnesses will be ready to speak *Viva voce*; and if he still refuse to plead, 'tis probable the Court will give present Sentence.

January 27, 1648-9. Post Merid.

Westminster-Hall.

The Lord President and the rest of the Commissioners come together from the Painted Chamber to Westminster-Hall, according to their adjournment, and take their Seats there, as formerly: and three



Proclamations being made for attendance and silence, the Court is called. The Commissioners present.

\* \* \* \*

The Prisoner is brought to the Bar, and Proclamation is again (as formerly) made for silence, and the Captain of the Guard ordered to take into his Custody all such as should disturb the Court.

The President stood up, with an intention of address to the People, and not to the Prisoner, who had so often declined the Jurisdiction of the Court; which the Prisoner observing, moved he might be heard before Judgment given, whereof he received assurance from the Court, and that he should be heard after he heard them first.

Whereupon the President proceeded, and remembered the great Assembly then present, of what had formerly passed betwixt the Court and the Prisoner, the Charge against him in the name of the People of England, exhibited to them, being a Court constituted by the Supreme Authority of England; his refusal three several days and times to own them as a Court, or to answer to the matter of his Charge; his thrice recorded contumacy, and other his Contempts and Defaults in the precedent Courts: upon which the Court then declared, that they might not be wanting to themselves, or to the Trust reposed in them, and that no Man's wilfulness ought to serve him to prevent Justice, That they had therefore thought fit to take the Substance of what had passed into their serious consideration, to wit, the Charge, and the Prisoner's Contumacy; and the Confession which in Law doth arise upon that Contumacy; the notoriety of the Fact charged, and other the circumstances material in the Cause; and upon the whole matter, had resolved and agreed upon a Sentence then ready to be pronounced against the Prisoner. But that in regard of his desire to be further heard, they were ready to hear him, as to any thing material which he would offer to their consideration before the Sentence given, relating to the defence of himself concerning the matter charged; and did then signify so much to the Prisoner, who made use of that leave given, only to protest his respects to the peace of the Kingdom, and liberty of the Subject; and to say, That the same made him at last to desire, that having somewhat to say that concerned both, he might before the Sentence given be heard in the Painted Chamber before the Lords and Commons; saying, It was fit to be heard, if it were Reason which he should offer, whereof they were Judges: and pressing that point much, he was forthwith answered by the Court, and told,

That that which he had moved, was a declining of the Jurisdiction of the Court, whereof he had caution frequently before given him.

That it tended to further delay, of which he had been too much guilty.

That the Court being founded (as often had been said) upon the Authority of the Commons of England, in whom rested the Supreme Jurisdiction, the Motion tended to set up another, or a co-ordinate Jurisdiction in derogation of the Power whereby the Court sat, and to the manifest delay of their Justice, in which regard he was told they might forthwith proceed to Sentence; yet for his further satisfaction of the entire Pleasure and Judgment of the Court upon what he had then said, he was told, and accordingly it was declared, that the Court would withdraw half an hour.

The Prisoner by command being withdrawn, the Court make their recess into the room called, The Court of Wards, considered of the Prisoner's Mo-

tion, and gave the President direction to declare their Dissent thereto, and to proceed to the Sentence.

The Court being again set, and the Prisoner returned, was according to their Direction informed, That he had in effect received his Answer before the Court withdrew; and that their Judgment was (as to his Motion) the same to him before declared, That the Court acted and were Judges appointed by the highest Authority, and that Judges were not to delay, no more than to deny Justice: That they were good words in the great old Charter of England, *Nulli negabimus, nulli vendemus, nulli deferemus Justitiam vel Rectum*: That their Duty called upon them to avoid further delays, and to proceed to Judgment, which was their unanimous Resolution.

Unto which the Prisoner replied, and insisted upon his former desires, confessing a delay, but that it was important for the Peace of the Kingdom, and therefore pressed again with much earnestness to be heard before the Lords and Commons.

In answer whereto he was told by the Court, That they had fully before considered of his Proposal, and must give him the same answer to his renewed desires, that they were ready to proceed to Sentence, if he had nothing more to say.

Whereunto he replied, he had no more to say, but desired that might be entred which he had said.

Hereupon, after some Discourse used by the President, for vindicating the Parliament's Justice, explaining the nature of the Crimes of which the Prisoner stood charged, and for which he was to be condemned; and by way of exhortation of the Prisoner to a serious repentance for his high Transgressions against God and the People, and to prepare for his eternal Condition,

The Sentence formerly agreed upon and put down in Parchment writing, *O Yes* being first made for silence, was by the Court's Command solemnly pronounced and given. The Tenor whereof followeth:—

[Conclusion.]

Now therefore upon serious and mature Deliberation of the Premises, and Consideration had of the notoriety of the matters of fact charged upon him as aforesaid, this Court is in Judgment and Conscience satisfied that he the said Charles Stuart is guilty of levying War against the said Parliament and People, and maintaining and continuing the same; for which in the said charge he stands accused, and by the general Course of his Government, Counsels and Practices, before and since this Parliament began (which have been and are notorious and publick, and the effects whereof remain abundantly upon record) this Court is fully satisfied in their Judgments and Consciences, that he has been and is guilty of the wicked Designs and Endeavours in the said Charge set forth; and that the said War hath been levied, maintained and continued by him as aforesaid, in prosecution, and for accomplishment of the said Designs; and that he hath been and is the Occasioner, Author, and Continuer of the said unnatural, cruel, and bloody Wars, and therein guilty of High Treason, and of the Murders, Rapines, Burnings, Spoils, Desolations, Damage and Mischief to this Nation acted and committed in the said War, and occasioned thereby. For all which Treasons and Crimes this Court doth adjudg, That he the said Charles Stuart, as a Tyrant, Traitor, Murderer, and publick Enemy to the good People of this Nation, shall be put to Death by severing of his Head from his Body.



\* \* \* \*

A more full account of this days Action take as follows, viz. :—

The King being come in his wonted Posture with his Hat on, some of the Souldiers began to call for Justice, Justice, and Execution. But silence being commanded, his Majesty began :

I desire a word to be heard a little, and I hope I shall give no occasion of interruption.

The President answered,

You may answer in your time ; hear the Court first.

His Majesty replied,

If it please you, Sir, I desire to be heard, and I shall not give any occasion of interruption, and 'tis only in a word. A sudden Judgment—

*President.* Sir, you shall be heard in due time, but you are to hear the Court first.

*King.* Sir, I desire it, it will be in order to what I believe the Court will say ; and therefore, Sir— A hasty Judgment is not so soon recalled.

*President.* Sir, you shall be heard before the Judgment be given ; and in the mean time you may forbear.

*King.* Well, Sir, shall I be heard before the Judgment be given ?

*President.* Gentlemen, It is well known to all, or most of you here present, That the Prisoner at the Bar hath been several times convented and brought before this Court, to make answer to a Charge of Treason, and other High Crimes exhibited against him in the name of the People of England : To which Charge being required to answer, he hath been so far from obeying the Commands of the Court, by submitting to their Justice, that he began to take upon him to offer Reasoning and Debate unto the Authority of the Court, and to the Highest Court that appointed them to try and judg him : But being overruled in that, and required to make his Answer, he was still pleased to continue contumacious, and refuse to submit to answer. Hereupon the Court, that they might not be wanting to themselves, nor the trust reposed in them, nor that any Man's wilfulness prevent Justice, they have thought fit to take the matter into their Consideration ; they have considered of the Charge ; they have considered of the Contumacy, and of that Confession which in Law doth arise upon that Contumacy ; they have likewise considered of the notoriety of the Fact charged upon the Prisoner ; and upon the whole matter they are resolved, and are agreed upon a Sentence to be pronounced against the Prisoner. But in respect he doth desire to be heard before the Sentence be read and pronounced, the Court hath resolved that they will hear him.

Yet, Sir, thus much I must tell you beforehand, which you have been minded of at other Courts, That if that which you have to say, be to offer any debate concerning the Jurisdiction, you are not to be heard in it : you have offered it formerly, and you have struck at the Root ; that is, the Power and Supream Authority of the Commons of England, which this Court will not admit a debate of ; and which indeed it is an irrational thing in them to do, being a Court that acts upon Authority derived from them. But, Sir, if you have any thing to say in defence of your self concerning the matter charged, the Court hath given me in command to let you know they will hear you.

*King.* Since I see that you will not hear any thing of debate concerning that which I confess I thought most material for the peace of the Kingdom, and for the liberty of the Subject, I shall wave it, I shall speak nothing to it : But only I must

tell you, That this many a day all things have been taken away from me, but that that I call dearer to me than my Life, which is my Conscience and my Honour. And if I had a respect to my Life more than the Peace of the Kingdom, and the Liberty of the Subject, certainly I should have made a particular Defence for my self ; for by that at leastwise I might have delayed an ugly Sentence, which I believe will pass upon me. Therefore certainly Sir, as a Man that hath some understanding, some knowledge of the World, if that my true Zeal to my Country had not overborn the care that I have for my own preservation, I should have gone another way to work than that I have done.

Now, Sir, I conceive that an hasty Sentence once past may sooner be repented of, than recalled : And truly the self-same desire that I have for the peace of the Kingdom, and the liberty of the Subject, more than my own particular ends, makes me now at last desire, That I have something to say that concerns both, before Sentence be given, that I may be heard in the Painted Chamber before the Lords and Commons. This Delay cannot be prejudicial unto you, whatsoever I say. If that I say be not Reason, those that hear me must be judg ; I cannot be Judg of that that I have. If it be Reason, and really for the welfare of the Kingdom, and the Liberty of the Subject, I am sure on it it is very well worth the hearing : Therefore I do conjure you, as you love that that you pretend, (I hope it is real) the Liberty of the Subject, the Peace of the Kingdom, that you will grant me this hearing before any Sentence be past. I only desire this, That you will take this into your Consideration ; it may be you have not heard of it beforehand. If you will, I will retire, and you may think of it : But if I cannot get this Liberty, I do protest, That these fair shews of Liberty and Peace are pure Shews, and that you will not hear your King.

*President.* Sir, you have now spoken.

*King.* Yes, Sir.

*President.* And this that you have said, is a further declining of the Jurisdiction of this Court, which was the thing wherein you were limited before.

*King.* Pray excuse me, Sir, for my interruption, because you mistake me. It is not a declining of it ; you do judg me before you hear me speak. I say it will not, I do not decline it : tho I cannot acknowledg the Jurisdiction of the Court, yet, Sir, in this give me leave to say, I would do it, tho I did not acknowledg it. In this I do protest, it is not the declining of it, since I say, if that I do say any thing but that that is for the Peace of the Kingdom and Liberty of the Subject, then the Shame is mine. Now I desire that you will take this into your consideration : if you will I will withdraw.

*President.* Sir, this is not altogether new that you have moved to us, not altogether new to us, tho the first time in Person you have offered it to the Court. Sir, you say you do not decline the Jurisdiction of the Court.

*King.* Not in this that I have said.

*President.* I understand you well, Sir ; but nevertheless that which you have offered, seems to be contrary to that Saying of yours, for the Court are ready to give a Sentence. It is not, as you say, That they will not hear the King, for they have been ready to hear you ; they have patiently waited your Pleasure for three Courts together to hear what you would say to the Peoples Charge against you : To which you have not vouchsafed to give any Answer at all. Sir, this tends to a further delay. Truly Sir, such delays as these, neither may the Kingdom nor Justice well bear. You



have had three several days to have offered in this kind what you would have pleased. This Court is founded upon that Authority of the Commons of England, in whom rests the Supreme Jurisdiction. That which you now tender, is to have another Jurisdiction, and a co-ordinate Jurisdiction. I know very well you express your self, Sir, that notwithstanding that you would offer to the Lords and Commons in the Painted Chamber, yet nevertheless you would proceed on here; I did hear you say so. But, Sir, that you would offer there, whatever it is, must needs be in delay of the Justice here; so that if this Court be resolved and prepared for the Sentence, this that you offer, they are not bound to grant. But, Sir, according to that you seem to desire, and because you shall know the further pleasure of the Court upon that which you have moved, the Court will withdraw for a time.

This he did to prevent disturbance.

*King.* Shall I withdraw?

*President.* Sir, you shall know the pleasure of the Court presently.

The Court withdraws for half an hour into the Court of Wards.

*Serjeant at Arms.* The Court gives command that the Prisoner be withdrawn; and they give order for his return again.

After which they returned; and being sat, the President commanded,

Serjeant at Arms, send for your Prisoner; who being come, the President proceeded.

Sir, You were pleased to make a Motion here to the Court to offer a desire of yours touching the propounding of somewhat to the Lords and Commons in the Painted Chamber for the Peace of the Kingdom. Sir, you did in effect receive an answer before the Court adjourned: Truly, Sir, their withdrawing and adjournment was *pro forma tantum*; for it did not seem to them that there was any difficulty in the thing. They have considered of what you have moved, and have considered of their own Authority, which is founded, as it hath been often said, upon the supreme Authority of the Commons of England assembled in Parliament. The Court acts according to their Commission. Sir, the return I have to you from the Court is this, That they have been too much delayed by you already; and this that you now offer, hath occasioned some little further delay; and they are Judges appointed by the highest Authority; and Judges are no more to delay than they are to deny Justice: They are good words in the Great Old Charter of England, *Nulli negabimus, nulli vendemus, nulli deferemus Justitiam*. There must be no delay. But the truth is, Sir, and so every man here observes it, that you have much delayed them in your contempt and default, for which they might long since have proceeded to Judgment against you; and notwithstanding what you have offered, they are resolved to proceed to Sentence and to Judgment, and that is their unanimous consent.

*King.* Sir, I know it is in vain for me to dispute; I am no Sceptick for to deny the Power that you have, I know that you have Power enough. Sir, I must confess I think it would have been for the Kingdom's Peace, if you would have taken the pains to have shewn the lawfulness of your Power.

For this Delay that I have desired, I confess it is a Delay, but it is a Delay very important for the Peace of the Kingdom: For it is not my person that I look at alone, it is the Kingdom's Welfare and the Kingdom's Peace.

It is an old Sentence, *That we should think on long before we resolve on great matters suddenly*. Therefore, Sir, I do say again, that I do put at your doors

all the inconveniency of a hasty Sentence. I confess I have been here now I think this week; this day 8 days was the day I came here first: But a little delay of a day or two further may give peace, whereas a hasty judgment may bring on that trouble and perpetual inconveniency to the Kingdom, that the Child that is unborn may repent it. And therefore again, out of the Duty I owe to God and to my Country, I do desire that I may be heard by the Lords and Commons in the Painted Chamber, or any other Chamber that you will appoint me.

*President.* You have been already answered to what you even now moved, being the same you moved before, since the Resolution and the Judgment of the Court in it; and the Court now requires to know whether you have any more to say for your self than you have said, before they proceed to Sentence.

*King.* I say this, Sir, That if you hear me, if you will give me but this delay, I doubt not but I shall give some satisfaction to you all here, and to my People after that; and therefore I do require you, as you will answer it at the dreadful day of Judgment, that you will consider it once again.

*President.* Sir, I have received Direction from the Court.

*King.* Well, Sir.

*President.* If this must be reinforced, or any thing of this nature, your Answer must be the same, and they will proceed to Sentence, if you have nothing more to say.

*King.* I have nothing more to say; but I shall desire that this may be entred what I have said.

*President.* The Court then, Sir, hath something to say unto you, which I know, altho I know it will be very unacceptable, yet notwithstanding they are willing and resolved to discharge their Duty.

His Majesty answered, I would desire only one word before you give Sentence, and that is, That you would hear me concerning those great Imputations that you have laid to my Charge.

*President.* Sir, you must give me now leave to go on: for I am not far from your Sentence, and your time is now past.

*King.* But I shall desire you will hear me a few words to you; for truly, whatever Sentence you will put upon me, in respect of those heavy imputations that I see by your Speech you have put upon me. Sir, it is very true that—

*President.* Sir, I must put you in mind: Truly Sir, I would not willingly, at this time especially, interrupt you in any thing you have to say that is proper for us to admit of: But, Sir, you have not owned us as a Court, and you look upon us as a sort of People met together, and we know what Language we receive from your Party.

*King.* I know nothing of that.

*President.* You disavow us as a Court, and therefore for you to address your self to us, and not to acknowledg us as a Court to judg of what you say, it is not to be permitted. And the truth is, all along from the first time you were pleased to disavow and disown us, the Court needed not to have heard you one word; for unless they be acknowledged a Court, and engaged, it is not proper for you to speak. Sir, we have given you too much Liberty already, and admitted of too much delay, and we may not admit of any further; were it proper for us to do it, we should hear you freely; and we should not have declined to have heard you at large, what you could have said or proved on your behalf, whether for totally excusing, or for in part excusing those great and hainous charges that in whole or in part are laid upon you. But, Sir, I



shall trouble you no longer; your Sins are of so large a dimension, that if you do but seriously think of them, they will drive you to a sad consideration, and they may improve in you a sad and serious Repentance. And the Court doth heartily wish that you may be so penitent for what you have done amiss, that God may have mercy at leastwise on your better part. Truly, Sir, for the other, it is our parts and duties to do that which the Law prescribes. We are not here *Jus dare*, but *Jus dicere*: We cannot be unmindful of what the Scripture tells us; for to acquit the Guilty is of equal abomination as to condemn the Innocent. We may not acquit the guilty. What Sentence the Law affirms to a Traitor, a Murderer, and a publick Enemy to the Country, that Sentence you are now to hear read unto you, and that is the Sentence of the Court.

Make an *O. Yes*, and command silence while the Sentence is read.

Which done, the Clerk read the Sentence drawn up in Parchment:—

Whereas the Commons of England in Parliament had appointed them an High Court of Justice, for the trial of Charles Stuart, King of England, before whom he had been three times convented, and at the first time a Charge of High Treason, and other Crimes and Misdemeanors was read in the behalf of the Kingdom of England [Here the Charge was repeated] which Charge being read unto him as aforesaid, he the said Charles Stuart was required to give his answer, but he refused so to do. [Expressing the several passages of his refusing in the former Proceedings.] For all which Treasons and Crimes, this Court doth adjudge, That he the said Charles Stuart, as a Tyrant, Traitor, Murderer, and a publick Enemy, shall be put to death, by the severing of his Head from his Body.

Which being read, the President added,

The Sentence now read, and published, is the Act, Sentence, Judgment, and Resolution of the whole Court.

To which they all expressed their assent by standing up, as was before agreed and ordered.

His Majesty then said,

Will you hear me a word, Sir?

President. Sir, you are not to be heard after the Sentence.

King. No, Sir?

President. No, Sir, by your favour, Sir. Guard, withdraw your Prisoner.

King. I may speak after Sentence, by your favour, Sir, I may speak after Sentence, ever. By your favour, hold: the Sentence, Sir—I say Sir, I do—I am not suffered to speak, expect what Justice other People will have.

His Majesty being taken away by the Guard, as he passed down the Stairs, the Soldiers scoffed at him, casting the smoke of their Tobacco (a thing very distastful unto him) and throwing their Pipes in his way.

As he passed along, hearing the Rabble of Souldiers crying out, *Justice, Justice*; he said, *Poor Souldiers, for a piece of Mony they would do so for their Commanders.*

In the Evening a Member of the Army acquainted the Committee with his Majesty's desire, That seeing they had passed a Sentence of death upon him, and his time being nigh, he might see his Children, and Dr. Juxton, Bishop of London, might be admitted to assist him in his private Devotions, and receiving the Sacrament. Both which were granted.

And the next day being Sunday, he was attended by the Guard to St. James's, where the Bishop

preached before him upon these words, "In the day when God shall judg the Secrets of all Men by Jesus Christ according to my Gospel."

January 29, 1648-9.

Upon Report made from the Committee for considering the time and place of the executing of the Judgment against the King, the said Committee have resolved, That the open Street before Whitehall, over against the Banqueting-house, is a fit place, and that the said Committee conceive it fit that the King be there executed to morrow, the King having already notice thereof: The Court approved thereof, and ordered a Warrant to be drawn for that purpose, which said Warrant was accordingly drawn and agreed unto, and ordered to be ingrossed; which was done, and signed and sealed accordingly as followeth, viz. :—

"At the High Court of Justice for the trying and judging of CHARLES STUART King of England, Jan. 29, 1648, [1649.]

"Whereas Charles Stuart King of England is, and standeth convicted, attainted, and condemned of High Treason, and other high Crimes; and Sentence upon Saturday last was pronounced against him by this Court, to be put to death by the severing of his Head from his Body; of which Sentence, Execution yet remaineth to be done: These are therefore to will and require you to see the said Sentence executed in the open Street before Whitehall, upon the morrow, being the 30th day of this instant Month of January, between the hours of 10 in the Morning, and 5 in the afternoon of the same day, with full effect. And for so doing, this shall be your sufficient Warrant. And these are to require all Officers, Soldiers, and others, the good People of this Nation of England, to be assisting unto you in this Service.

"Given under our Hands and Seals.

"Sealed and subscribed by

"John Bradshaw, Tho. Grey, Oliver Cromwell, Edward Whaley, Michael Livesey, John Okey, John Danvers, John Bourcher, Henry Ireton, Tho. Maleverer, John Blackiston, John Hutchinson, William Goffe, Tho. Pride, Peter Temple, Tho. Harrison, John Huson, Henry Smith, Peregrine Pelham, Simon Meyne, Tho. Horton, John Jones, John More, Hardress Waller, Gilbert Millington, George Fleetwood, John Alured, Robert Lilburn, William Say, Anthony Stapeley, Richard Deane, Robert Tichburne, Humphry Edwards, Daniel Blagrove, Owen Roe, William Purefoy, Adrian Scroope, James Temple, Augustine Garland, Edmund Ludlow, Henry Martin, Vincent Potter, William Constable, Richard Ingoldsby, William Cawley, John Barkstead, Isaac Ewers, John Dixwell, Valentine Walton, Gregory Norton, Tho. Chaloner, Tho. Wogan, John Ven, Gregory Clement, John Downs, Tho. Wayte, Tho. Scot, John Carew, Miles Corbet.

"To Col. Francis Hacker, Col. Huncks, and Lieut. Col. Phray; and to every of them."

Tuesday, January 30.

This Day his Majesty was brought from St. James's about 10 in the Morning, walking on foot through the Park, with a Regiment of Foot for his Guard, with Colours flying, Drums beating, his private Guard of Partizans, with some of his Gentlemen before, and some behind, bare-headed;



Dr Juxton, late Bishop of London, next behind him, and Col. Thomlinson (who had the charge of him) to the Gallery in Whitehall, and so into the Cabinet-Chamber, where he used to lie, where he continued at his Devotion, refusing to dine, (having before taken the Sacrament,) only about 12 at Noon he drank a Glass of Claret Wine, and eat a piece of Bread. From thence he was accompanied by Dr Juxton, Col. Thomlinson, Col. Haeker, and the Guards before-mentioned, through the Banqueting-House, adjoining to which the Scaffold was erected, between Whitehall-Gate, and the Gate leading into the Gallery from St James's. The Scaffold was hung round with black, and the Floor covered with black, and the Ax and Block laid in the middle of the Scaffold. There were divers Companies of Foot and Horse on every side the Scaffold, and the Multitudes of People that came to be Spectators were very great. The King making a pass upon the Scaffold, look'd very earnestly on the Block, and asked Col. Haeker if there were no higher; and then spake thus, directing his Speech to the Gentlemen on the Scaffold.

*King.* I shall be very little heard of any Body here, I shall therefore speak a word unto you here. Indeed I could hold my peace very well, if I did not think that holding my Peace would make some Men think that I did submit to the Guilt, as well as to the Punishment. But I think it is my Duty to God first, and to my Country, for to clear my self both as an honest Man, a good King, and a good Christian. I shall begin first with my Innocency: In troth, I think it not very needful for me to insist long upon this, for all the World knows I never did begin the War with the two Houses of Parliament; and I call God to witness (to whom I must shortly make an account) that I never did intend to inroach upon their Privileges. They began upon me: It is the Militia they began upon; they confest that the Militia was mine, but they thought it fit to have it from me: And to be short, if any Body will look but to the Dates of the Commissions, their Commissions and mine, and likewise to the Declarations, will see clearly that they began these unhappy Troubles, not I. So that as to the guilt of these enormous Crimes that are laid against me, I hope in God, that God will clear me of it; I will not, I'm in Charity: God forbid that I should lay it upon the two Houses of Parliament; there is no necessity of either, I hope they are free of this guilt: for I believe that ill Instruments between them and me, has been the chief Cause of all this Bloodshed; so that by way of speaking, as I find my self clear of this, I hope (and pray God) that they may too: yet for all this God forbid that I should be so ill a Christian, as not to say that God's Judgments are just upon me; many times he does pay Justice by an unjust Sentence, that is ordinary: I only say this, that an unjust Sentence (meaning Strafford) that I suffered to take effect, is punished now by an unjust Sentence upon me; that is, so far I have said to shew you that I am an innocent Man. Now for to shew you that I am a good Christian. I hope there is (pointing to Dr Juxton) a good Man that will bear me witness. That I have forgiven all the world, and even those in particular that have been the chief Causers of my death; who they are God knows, I do not desire to know, I pray God forgive them. But this is not all, my Charity must go further; I wish that they may repent: for indeed they have committed a great Sin in that particuler; I pray God with St Stephen, that this be not laid to their Charge; nay not only so, but that they may take

the right way to the peace of the Kingdom, for Charity commands me not only to forgive particuler Men, but my Charity commands me to endeavour to the last gasp the peace of the Kingdom. So, Sirs, I do wish with all my Soul, and I do hope there is some here will carry it further, that they may endeavour the peace of the Kingdom. Now, Sirs, I must shew you both how you are out of the way, and I will put you in the way: First you are out of the way; for certainly all the way you ever have had yet, as I could find by any thing, is in the way of Conquest. Certainly this is an ill way; for Conquest, Sirs, in my opinion is never just, except there be a good just Cause, either for matter of wrong, or just Title; and then if you go beyond it, the first quarrel that you have to it, that makes it unjust at the end, that was just at first: But if it be only matter of Conquest, then it is a great Robbery. As a Pirate said to Alexander the Great, That he was the great Robber, he was but a petty Robber: and so, Sirs, I do think the way you are in, is much out of the way. Now, Sirs, for to put you in the way; believe it, you will never do right, nor God will never prosper you, until you give him his due, the King his due (that is my successors) and the People their due, I am as much for them as any of you: You must give God his due, by regulating rightly his Church (according to his Scriptures) which is now out of order: for to set you in a way particularly, now I cannot; but only this. A National Synod freely called, freely debating among themselves, must settle this, when that every opinion is freely and clearly heard. For the King indeed I will not (then turning to a Gentleman that touched the Ax, he said, Hurt not the Ax that may hurt me.) As for the King, the Laws of the Land will clearly instruct you for that; therefore because it concerns my own particular, I will only give you a touch of it. For the People: And truly I desire their Liberty and Freedom, as much as any Body whomsoever; but I must tell you, That their Liberty and Freedom consists in having of Government, those Laws by which their Life and their Goods may be most their own. It is not for having share in Government (Sirs) that is nothing pertaining to them. A Subject and a Sovereign are clean different things; and therefore until they do that, I mean, That you do put the People in that Liberty as I say, certainly they will never enjoy themselves. Sirs, it was for this that now I am come here. If I would have given way to an Arbitrary Way, for to have all Laws changed according to the Power of the Sword, I needed not to have come here; and therefore I tell you (and I pray God it be not laid to your Charge) that I am the Martyr of the People. In troth, Sirs, I shall not hold you much longer: For I will only say this to you, That in truth I could have desired some little time longer, because that I would have put this that I have said in a little more order, and a little better digested, than I have done; and therefore I hope you will excuse me. I have delivered my Conscience, I pray God that you take these Courses that are best for the good of the Kingdom and your own Salvation.

*Dr Juxton.* Will your Majesty, though it may be very well known your Majesty's Affections to Religion; yet it may be expected that you should say somewhat for the World's satisfaction in that particuler.

*King.* I thank you very heartily, my Lord, for that I had almost forgotten it. In troth, Sirs, my Conscience in Religion I think is very well known to the World; and therefore I declare before you all, That I die a Christian according to the Profession



of the Church of England, as I found it left me by my Father; and this honest Man (meaning the Bishop) I think will witness it. Then turning to the Officers, said, Sirs, excuse me for this same, I have a good Cause, and I have a gracious God: I will say no more. Then turning to Col. Hacker, he said, Take care they do not put me to pain—and Sir, this and it please you—But then a Gentleman coming near the Ax, the King said, Take heed of the Ax, pray take heed of the Ax. Then the King speaking to the Executioner said, I shall say but very short Prayers, and then thrust out my hands. Then the King called to Dr Juxton for his Night-cap; and having put it on, he said to the Executioner, Does my Hair trouble you? who desired him to put it all under his Cap, which the King did accordingly by the help of the Executioner and the Bishop. Then the King turning to Dr Juxton, said, I have a good Cause, and a gracious God on my side.

*Dr Juxton.* There is but one Stage more: This Stage is turbulent and troublesom. It is a short one. But you may consider, it will soon carry you a very great way; it will carry you from Earth to Heaven, and there you shall find to your great joy the Prize; you haste to a Crown of Glory.

*King.* I go from a corruptible to an incorruptible Crown, where no disturbance can be.

*Dr Juxton.* You are exchanged from a temporal to an eternal Crown, a good exchange.

Then the King took off his Cloak and his George, giving his George to Dr Juxton, saying, *Remember*, (it is thought for the Prince) and some other small Ceremonies past. After which the King stooping down, laid his Neck upon the Block; and after a little pause, stretching forth his hands, the Executioner at one blow severed his Head from his Body. Then his Body was put in a Coffin, covered with black Velvet, and removed to his Lodging-Chamber in Whitehall. Being embalmed and laid in a Coffin of Lead to be seen for some days, at length upon Wednesday the 17th of February, it was delivered to four of his servants, Herbert, Mildmay, Preston, and Joyner, who with some others in mourning Equipage attended the Herse that night to Windsor, and placed it in the Room which was formerly the King's Bedchamber.

Next day it was removed into the Deans Hall, which was hung with black, and made dark, and Lights were set burning round the Herse. About three in the afternoon the Duke of Richmond, the Marquess of Hartford, the Earls of Southampton and Lindsey, and the Bishop of London, came thither, with two Votes passed that Morning, whereby the ordering of the King's Burial was committed to the Duke, provided that the Expences thereof exceeded not £500. This Order they shewed to Col. Whichcot the Governor of the Castle, desiring the Interment might be in St George's Chappel, and according to the form of the Common Prayer: The latter Request the Governor denied, saying, That it was improbable the Parliament would permit the use of what they had so solemnly abolished, and therein destroy their own Act.

The Lords replied,

That there was a difference betwixt destroying their own Act, and dispensing with it; and that no Power so binds its own hands, as to disable it self in some Cases. But all prevailed not.

The Committee to whom the ensuing Proclamation was referred made report hereof, and the House assented to the same: Here take it at large.

“Whereas Charles Stuart King of England, being for the notorious Treasons, Tyrannies and Mur-

ders committed by him in the late unnatural and cruel Wars, condemned to death; whereupon after execution of the same, several Pretences may be made, and Titles set on foot unto the Kingly Office, to the apparent hazard of the public Peace: For prevention whereof, Be it enacted and ordained by this present Parliament, and by Authority of the same, That no Person or Persons whatsoever do presume to proclaim, declare, publish, or any way promote Charles Stuart, Son of the said Charles, commonly called the Prince of Wales, or any other Person, to be King or Chief Magistrate of England, or of Ireland, or of any the Dominions belonging to them, or either of them, by colour of Inheritance, Succession, Election, or any other Claim whatsoever, without the free Consent of the People in Parliament first had and signified by a particular Act or Ordinance for that purpose; any Statute, Law, Usage, or Custom to the contrary hercof in anywise notwithstanding.

“And be it further enacted and ordained, and it is hereby enacted and ordained, That whosoever shall, contrary to this Act, proclaim, declare, publish, or any way promote the said Charles Stuart the Son, or any other Person, to be King, or Chief Magistrate of England, or of Ireland, or of any the Dominions belonging to them, or to either of them, without the said consent in Parliament signified as aforesaid, shall be deemed and adjudged a Traitor to the Commonwealth, and shall suffer the pains of Death, and such other Punishments as belong to Crimes of High Treason. And all Officers as well Civil as Military, and all other well-affected Persons are hereby authorised and required forthwith to apprehend all such Offenders, and to bring them in safe Custody to the next Justice of the Peace, that they may be proceeded against accordingly.”

### 8. *Excerpts from Balfour's Annales of Scotland.*

9 Martij, 1649.—The parliament past a most strange acte this mounthe, abolishing the patronages of kirkes, wich pertined to laymen since euer Christianity was planted in Scotland. Francis, Earle of Balcleuche, and some others, protested aganist this acte as vrangous, and all togider derogatorey to the just rights of the nobility and gentrey of the kingdome of Scotland, and so departed the parl: housse. Bot current was carried for the presbeteries and church way, in respecte Argyle, the Chanceler, and Arch: Johnston, the kirks minon, durst doe no wtherwayes, lest the leaders of the church should desert them, and leaue them to stand one ther auen feitt, wich without the church non of them could weill doe.

This notable pranke in effecte resembles muche the 14 Graumamen wich Germaney did exhibit, Reg: Carol: 5, to Pope Adrian, amongst the abusses of the Roman sea, that the Pope and his Legats vsurped the right of patronage belonging to layicks, and dispensed them benefices vaccand to his fauorits and abettors, contrarey to law, right and reall possession, tyme out past all memorey and prescription; wich wold proue in tyme the ruine of the Catholick church; bot lykwayes wold sturre vpe maney enimies aganist the Roman church, in doing so publicke ane acte of iniustice, quherin so many persones (layicks) of all degrees were intressed.

And this acte, to make it the more spetious, they colored it with the liberty of the people to choyse ther auen ministers; zet the generall assembly holdin at Edinbrughe, in the mounthes of Julij and Agust, this same zeire, made a werrey sore mint to



haue snatcht this shadow from the people, (notwithstanding ther former pretences,) colationed the sole pouer onc the presbeteries, and oute-foolled the people of that right they formerly pretended did only and especially belonge to them, *jure diuino*; as according to the new deuinity of thesse tymes, till the acte was past, bothe the leaders and ther ereture Jhonston, pleaded with all the foreible arguments wrested Scripture could produce, to procure ther auen ends and gratnes, wiche tyme will not faill heirafter fully to discouer to a wronged posterity.

The parliament, one ther former sentence of forfaiture against George, Marques of Huntley, ordained hes head to be chopod off from hes bodey, at the crosse of Edinbrughe, one Thursday, the 22 of Marche, this zeire; wieh wes performed. He wold not be relaxed from the sentence of excommunicatione, &c. His corpes wer carried to Settone, to be interridd ther in the comon buriall of that family, from wieh himselue had issewed.

The first exchequer day that was holdin after the ryssing of the parliament, in the end of Marche this zeire, the Chanceler, London, had 3 gifts past; the signators quherof wer vnder K. Charles the Firsts hand.

1. His haill lands wieh wer hold in ward and releiffe (for most of them wer so) changed, and holdin blench, for payment of a read rosse.

2. A gift, *durante vita*, of the shriffschipe of Aire, altho gifts of this same nature wer declared woide in this same parl:

3. A gift to him and hes heires of the balzirie of Kyle. It seimes that thesse 3 signaturs now past, wer a pairt of that recompence for wiche he betrayed the King to his enimies, and the countrey to its oppressors; for indeid he played notoriously with bothe handes. And being president of that parl: 1648, wes the only man, by his longe oratione, that most wrged and moued that ingagemnt against England, for the Kings releiffe, wieh he thereafter disclaimed, and persecuttet all vthers quhom himselue had persuaded to contcuance and enacte thesse lawes himselue first did brak, enacte, and repealle; quhen as he had bound himselue, both by word, othe, and wreat, to the Kings Maicesty, at the Ile of Wight, being then one of the commissioners of the kingdome of Seotland. At the parl: 1648, he maid a longe oration, most bitter and inuectiue, against the Englishe, calling them a periured natione, oppressors and murders of ther King, heretiques, sectaries, enimies to monarehey, breckers of leange and couenant. To most of the actes of this parl: he consented, especially to the leuey, and all of them he subscriued with his auen hand, (being president therof); bot about the end of the same, he begane to appeir in his auen colors, quhen as that parl: and the commissione of the kirke could not aggrie one certaino poynts, imediatly after Ducke Hamilton was enacted to be generall of the armye. Bot in this parl: Jarij: 1649, he spoke als muche aganist that wieh formerly he had plotted and contrined, as was sufficient to lett understanding men know, that now he labored to put him of the way, quho only could call him to ane accompt for hes periurey and fallsse packing.

To remember how with abundance of tearcs the L. Chanceler made his repentance in the East Church of Edinbrughe, declaring so much of hes former honest dealling to the people, as he weill knew eurey one vnderstood; and this wes done to please some of the leading ministers, (quho wer now leading this penitent in triumphe,) and causing

him sing peccaui, to bleare the eyes of the comons; he can veill preuaricat with men quho takes him to be the L. Chanceler of Scotland, bot with God he cannot, quho knowes him to be a heighland man bothe in lyffe and maners.

To remember, how in the preceeding zeire, 1648, the Marquesse of Argyle and the E. of Craufurd, vent out to Muskillbroughe Links to fight the combat. The E. of Lanricke wes second to Craufurd, and L. Col. James Innes of Sandsyde, wes 2d to Argyle; all that wes one them could not make Argyle to fight, till he saw L. Colonell Haddan, the Chancelers man, come in to pertey them. Then was he something stoute, and refussed to subseriue that paper, wieh he wold haue formerly done (I be-lieve against his will,) bot had beine forced ather to doe it or ells to east offe his doublett and boottes, wieh he wes wouderous lothe to doe, in respecete of the coldnesse of the wether. For this grate escape, Argyle became a wery humble penitent to the committie of the kirke, aeknouledging this foulishe acte of his to be a scriptuall disertione. Vpone this imergent, the ensewing generall assembly made ane acte of the 12 of Agust, 1648, aganist duells, vretters and receauers of challenges and chartells, that without respecete of persons they shall be processsed with the censures of the kirke, and make ther repentence befor the pulpit, &c. tuo seuerall Lordes dayes. The first day, the minister is to shew them ther sin and the gratenes of ther offence; and the 2d day, they arc to make a soleinc publieke confessione therof, and professione of ther vnfaigned humi-liatione and repentance for the same; and if they refuse to zeild obedience, them to be processsed with excommunicatione.

29 Julij, 1649. To remember how that one Mr Naysmithe, a minister at this geuerall assembly, argued much to haue the haill teinds to the church, and wes opposed by the Marquess of Argyle and Earle of Cassiles, with all the lay elders, as a propositione muche scandalizing the professione and ther often promisses, zea, (said some,) a thing not belonging to them. Bot Naysmithe, wery impudently and affrintedly affirmed, that it must be mantieind that the teinds did belong to the church, *jure diuino*. Argyle answered, wec must mantieine the contrarey, with all our pouer, of that falls opinion of yours. Cassiles said, the more ze gett, the worsse contented you are; bot in this ze haue nather diuinity vnder the gospell for the same, nather ressonne or aney poyut of humane law. Then, said Argyle, the church hes alredey the 10 of all the rent of the land, zet it seime they are not content, nather are they the 30 pt. of the inhabitants, I may say not the 100 pairt: it is not good to awalkin sleiping doges. The moderator, Mr Rob: Douglas, said, that hes brother, Mr Nasmythe, spoke mor rashlie then he was aware offe; and he admired he was so impertinent, and therefore willed him to be quyet; bot Nasmythe replied, he only spoke out that wieh maney more of that number of hes professione thought: some lay elders, that wer barrons, sitting by him, desyred him to burey that, wtherwayes they wold make the suorde decyde that questione, and lett him and all suehe couetous persons see that teindcs wer not vnder the gospell *juris diuini*, bot *juris humani*. So you see how Nasmythe did sing, the shamefast earoll, iu face of the assembly, in name of hes brethrein.

Julij, 1649.—In the generall assembly, baldin at Edinbrughe, in Julij this zeire, ther wer wery maney ministers deposed, for mantieining the last expeditione into England to be lawfull, for relieffe of



our King, quhome thesse bloodie blasphemers hes since killed, contrarey to the Soleme Leauge and Couenant with that perfidious natione; amongst quhom wer Mr Androw Ramsay and Mr William Collin, ministers of Edinbrughe, tuo learnid and worthey men; they wer much regraitted by honest men, and thesse quho treulie loued peace and treuthe. Bot the current of the tymes went so, that in respecte they wold not dance to the play of the leaders, Douglas, Dickson, Cant, Guthrie, and Law, they wer deposed from the ministeriall office, quhen as one of them, viz. Mr Androw Ramsay, hed beine ane actuall miuister aboue 53 zeires, quherof he had seruid in Edinbrughe 36 of the same.

L. Generall Mideltone went werrey neir at this assembly to be excommunicat, wer not he compeired and spoke boldly for himselfe, and hardly got 4 monthes to adwysse quither he wold subscribe that declaratione emittid by the assembly anent the ingagers or not.

30 Julij, 1649.—Memorandum.—To be resolued of this doubte, viz. that since all the malignants of the kingdome did auer that James Grhames succes and prosperous fortune in so maney batells winne be him, did cleirly demonstrat Gods fauor to him, and the goodnes of hes cause, (wich by the precise pairty) was thought the only not to know a malignant by, in that they mantened and fauored so vnchristian and Turkishe ane oppinion; as if the goodnes and lawfulness of the cause dependit altogether one the successe.

And now, since Julij last, 1649, and the Whigamore road, the face of gouernment being changed and put in other hands, and the kirke now asspyring to so grate a height and triumphe, all ther papers, actes almost, and declarations bothe of churche and stait, runs with that same clausse, viz. aganist all wich, not only eminent testimonies of Gods wrath haue beine giuen, in defaitting of them, &c. meining the Englishe engagement, bot especiallay the course perseued by the Earle of Lanrick, George Monro, at Sipling and Pluscardy, and ther adherents in the northe.

The blasphemers and sectaries in England, from ther bygaine prosperous successe in all ther impious and wicked actions aganist Gods treuth, diuine and humane lawes, wich they haue trampled vnder foote, affirme in al ther declarations, lykwayes, to be the only cause quhay the Lord fauors them in all ther interprysse aganist the wicked (as the call all suche quho are not of ther mynd and oppinione) within the 3 kingdomes, naming themselves, and all withers sectaries and blasphemers of ther stampe, the godlie and the saintes; quhen, indeid, all ther actions are not only illegall, bot most irreligious and impious, both contrarey to lawes of God and men; themselves being tainted with all the hainous sins and impieties quherwith aney heathin nation hath beine branded, euen Sodome itselue; if periurey couenant breaking, hipocrasie, ambition, couetousnes and all sortes of blasphemies, in the heighest degre, aganist the blessed trinitie, can be them be accompted sins.

Suche are the now sants that oppresses Gods people in thesse kingdomes, and all vnder the color and pretext of concience, and clocke of religione.

sent to Hollande to treatte with our forsaide K. majestie, viz. the E. of Cassells, &c. Barron, a burges, and two ministers, namly, Mr James Wood, m. of St Androus, and Mr Robert Baillie, minist. of Glasgowe, shipped in att Kirkekaldie in Jhone Gillespie's shipe, and loused on Saterdag the 17 of the said instant, at night; they returned to this kingdome the 11 of Jun. 1649, mutch unsatisfied.

Mar. 9.—Duke Hamilton was beheaded att London by the sectaries ther, as also the Earle of Hollande, and the Lord Capell, that same day also. The said Duke Hamilton, upon the scaffold, confessed, 1. That his religion was according to the church of Scotland; that he ever had beine loyall to the leate king, and wished weill to his posteritie; that none more att all tymes desired the peace and happines of this and the other kingdomes than himselfe. 2. That his coming in with the late armie to England was out of no treasonable or ill intent, bot for the ends contained in the committee of Scotlands declaratione, and what he did was as a servant to the parliament and kingdome; that, in that employment, nixt to the settling of religion, the establishing of the king was his greatest aime. 3. That he wished his blood, in order to the peace of the kingdome, might be the last that sould be spilt. 4. That he had beine severall tymes wrought upon to confesse who had invited the Scots armie to come in, bot this he hath not done att all, nether then, or any other tyme, though, if he had, its conceived it woulde probably haue saved his life. His corps afterwarde werre brought downe by sea to Hamilton, where they werre interred.

Mar.—There was ane act reade in the parliament of Englande for taking away kingly gouernment for the tyme to come in that kingdome. As also, ane other act for dissolving the house of peers in parliament. And a 3. that all priuilege might be taken away from noblemen ther, and ther persons made as lyable to the law as any commoner of Englande.

Mar. 22.—The Marquesse of Huntlie, in the north, (being condemned by the forsaide parliament,) was beheaded at the crosse of Edenbrough. He died blockishlie, not being relaxed of his excommunicatione; his corps afterwarde werre caried by sea to the north, to be interred ther.

Mar.—Ther was ane insurrectione in the north parts of this kingdome, so that the garisone of Endernesse was surprised, and the walls of the towne throwen downe; and upon this, David Lesley went north with some troupes of horse and foote, to suppress them. In May 1649, following, ther was 800 men taken prisoners, amonge whom was the Lord Rea, and some other gentlemen of the name of Makkeinze (wha werre caried to Edenbrough), and some killed. Upon this overthrowe, the rest laid downe ther armes, so that ther lives and fortunes, were grated to them, which was done.

This summer ther was very many Witch<sup>s</sup> taken and brunt in severall parts of this kingd. as in Lothian and in Fyfe, viz. in Enderkething, Aberdoure, Bruntelland, Doysert, Dumfermling.

July 4.—The Generall Assemb. of this kingdome satte att Edenbrough, where Mr Robert Douglas, minister of Edenbd. was moderator. At this Assemb. ther werre severall ministers deposed, as Mr Andro Ramsay and Mr William Colen, both ministers of Edenbrough, and divers others. Ther was ane act made declaring the way of receiuing the officers that had ane hand in the engagement aganist England, 1648: All these that werre above lieutenantis werre to come before the commission of the kirke that satte att Edenbd. and to be receaved by

1649.

9. *Excerpts from the Chronicle of Fife, being the Diary of John Lamont of Newton.*

Mar. 17.—The comissioners of this kingdome



them; and these that werre beneath loueten. werre referred to the severall presbtries wherein they lived, to give satisfaction ther. Att the closure of this forsaid act, ther was a declaration printéd, that was apointed to be subscribed by them all, under the paine of excommunicatione. Ther was a large declaration printed, appointed to be read in the severall kirks of this kingdome.

Att this meiting ther werre severall noblemen of this kingdome that did supplicat to be receaved to the Covenant, as the L. Ogilbie, Quensberry, Kenmure, etc. During the sitting of this Assemb. the visitatione of the Universitie of St Androus satt, where D. Barron, Provost of the Old Colledge, his willingnesse (provyding maintynance werre granted to him,) to dimitt his place was accepted, and sufficient maintynance during his life was allowed to him by the Assembly; and Mr Ro. Nory, professor of Humanitie in St Leonards colledge, wha aymed to have the precedencie of all the regents there, was declared to be posterior to them all: Mr Thomas Gleige, also in the Old Colledge, dimitted his place. Ther was something (in the Assemb.) spoken against the meason word, which was recommended to the severall presbtries for tryall therof. This Assemb. satt from the 4 of July to the 6 of August. Moreover, many of the shyres of the kingdome werre apointed to be visited, and the severall kirke session bookes to be revised by the persons concerned.

August 16.—Mr Robert Weyms (a Sant Androus man borne), was placed minister of the Ellie, in the presbetry of St Androns. The said day Mr Patrik Skugall, miuister of Leuchars, did preach. The Laird of Ardrose (being patron of the parish, and ther present,) gott not libertie to give him the right hand of felloshipe att his admission, (as the custome is), because under censure for the leate engagement against Englande.

(From the middest of Sept. to the middest of October.)—The Visitation apointed (by the forsaid Generall Assemblie), for Angus and Mernes, satte at the places apointed. Att which meitting Mr Andro Cant, minister att Aberdeine, was moderator. The visitators apointed to severall actaul ministers texts that they might heare them, some of which had beine in the ministrie for the space of 20 or 24 yeares. During the sitting of this meiting, ther was about eghteine ministers deposed, and five suspended, (two of which number did apeale to the Gener. Assemb.) The causes of ther depositiones werre, insufficiencie for the ministrie; famishing of congregations; silence in the tyme of the leate engagement against Englande; corruptions in life and doctrine; malignancie, drükenes, and subscriving of a divisive band, and such like. At this tyme, Mr James Lammonth, minister in Kinnettells, was deposed; and Mr Johne Lyndsay, ane olde man, was deposed, for adultrie and fornicatione, which werre proven against him. They purposed againe to returne thither in March 1650.

Oct.—Mr James Carmichaell, minister of Kleishe, in the presbetry of Dumfermling, was deposed by that presbetry, for insufficiencie.

Novemb.—The comission of the kirke satt at Edenbroughe, where Mr James Guthrie, minister of Lawder, was appointed to be transported to Sterling; Mr David Forret, and Mr James Sharpe, werre suttet be the towne of Edenbroughe, bot werre refused; and Mr Harie Raymoure, m. of Carnebie, being desired be the towne of Duns, was appointed to remaine att his owne charge.—All thir three werre of the presbetry of St Androus, in Fyfe.

Novemb.—Mr George Wynram, of Libberton, in

Louthian, was sent, with a comission from the estates of this kingdome, to our king, now leyen at the iylles of Jernsey and Gernsey, upon the coast of France, bot pertaining to the crowne of England:—He returned about the end of January 1650.

The Lord Linton, eldest sonne to the Earle of Traquare, married the Lady Seaton, (daughter to the leatte Marquesse of Huntlie, that was executt at the crosse of Edenbroughe the forsaid yeare, as is spoken before,) a woman excommunicat by the church of Scotlande for being a papist. The minister of Daicke, being ane olde man, did marie thir forsaid persons privatlie, without proclamatione of ther bands, according to the custome, for which, shortly after, he was excommunicate, and his church declared vacane, and he, by the state, banished.

Decemb.—Ane Mistris Hendersone, sister to Fordell Hendersone, in the presbetry of Dumfermling, (sometynes Lady of Pittaro,) being debated by many to be a Witch, was apprehended and caried to Edenbroughe, wher she was keiped fast; and after her remaining in prison for a tyme, being in health att night, upon the morne was founde dead. It was thought, and spoken by many, that she wronged her selfe, ether by strangling or by poyson; but we leave that to the judgement of the great day.

Decemb.—Ane act of parliament, discharging the going up and downe of sturdie beggars through this kingdome, and appointing every parish to entertaine ther owne poore, etc. This day, this act was reade by the minister of the church of Largo, and apointed to be reade through the severall churches of this kingdome.

By the comission of the Gener. Assemb. sitting at Edenbroughe, the Earle of Abercorne and the Lord Gray, both being papists, werre excommunicate, and the Earle of Abercorne (whose surname is Hamiltone,) was apointed to remove himselfe from off this kingdome.

#### IX MARTII.

#### *Act abolishing the Patronages of Kirks.\**

The Estates of Parliament being sensible of the great obligation that layes upon them by the Nationall Covenant, and by the Solemn League and Covenant, and by many deliverances and mercies from God, And by the late solemu engagement unto duties, To preserve the Doctrine, and maintain and vindicate the Liberties of the Kirk of Scotland, and to advance the Work of Reformation therein, to the utmost of their power; And considering that Patronages, and Presentations of Kirks, is an evill and bondage, under which the Lords people and Ministers of this land have long groaned, and that it hath no warrant in Gods word, but is founded onely on the Canon law, and is a custome Popish, and brought into the Kirk in time of ignorance and superstition, And that the same is contrary to the second book of Discipline, in which upon solid and good ground, it is reckoned among abuses that are desired to be reformed, and unto severall Acts of Generall Assemblies, And that it is prejudiciall to the liberty of the people, and planting of Kirks, and unto the free calling and entrie of Ministers unto their charge. And the saids Estates being willing and desirous to promote and advance the Reformation foresaid, That everie thing in the house of God may be ordered according to his Word

\* Acts of Estates, vol. vi., p. 411.



and Commandement, Doe therefore from the sense of the former obligations, and upon the former grounds and reasons discharge for ever hereafter, All Patronages and Presentations of Kirks, whither belonging to the King or to any Laiek Patrone, Presbytries or others within this Kingdome, as being unlawfull and unwarrantable by Gods Word, and contrary to the Doctrine and Liberties of this Kirk; And doe repeal, reseind, make voyd, and annull all gifts and rights granted thereanent, And all former Aets made in Parliament, or in any inferior Judicatory in favours of any Patrone or Patrones whatsoever, So farre as the same doth or may relate unto the Presentation of Kirks, And doth statute and ordain that no person or persons whatsomever shall at any time hereafter take upon them under pretext of any Title, Infestment, Aet of Parliament, Possession, or Warrant whatsoever, which are hereby repealed, to give Subserve, or Seal any Presentation to any Kirk within this Kingdom: And Discharges the passing of any infestments hereafter bearing a right to Patronages to be granted in favours of these for whom the Infestments are presented; And that no person or persons shall either in the behalfe of themselves or others, procure, receive, or make use of any Presentation to any Kirk within this Kingdome: And it is farther Declared and Ordained that if any Presentation shall hereafter be given, procured, or received, that the same is null and of no effect, and that it is lawfull for Presbytries to reject the same, and to refuse to admit any to trialls thereupon, and notwithstanding thereof to proceed to the planting of the Kirk upon the sute and calling, or with the consent of the congregation, on whom none is to be obruded against their will. And it is Deerned, statute, and Ordained, That whosoever hereafter shall upon the suit and calling of the congregation, after due examination of their literature and conversation, be admitted by the Presbytry unto the exercise and function of the ministry in any Paroch within this Kingdom, That the said person or persons without a Presentation, by vertue of their admission, hath sufficient Right and Title to possesse and enjoy the Manse and gleib, and the whole rents, profits and stipends, which the Ministers of that Burgh had formerly possesst and enjoyed, or that hereafter shall be modified by the commission for plantation of Kirks; And decerns all Titulars, and Taksmen of Tythes, Heretors, Life-renters, or others subject and lyable in payment of Ministers stipends, to make payment of the same, Notwithstanding the Minister his want of a Presentation: And Ordains the Lords of Session and other Judges competent, to give out Deereets, & Sentences, Letters conform, Horning Inhibition, & all others Exeutorials upon the said admission of Ministers by Presbytries, as they were formerly in use to doe upon Collation and Institution following, upon Presentations from Patrons. Declaring alwayes that where Ministers are already admitted upon Presentation, and have obtained Deereets conform thereupon, That the saids Deereets and Exeutorials following thereupon, shall be good and valide Rights to the Ministers for suiting and obtaining payment of their stipend, And the Presentation and Deereet conform, obtained before the date hereof, shall be a valid ground and right for that

effect; Notwithstanding the annulling of Presentations by vertue of this present Aet, And because it is needfull that the just and proper interest of Congregations and Presbytries in providing of Kirks with Ministers be clearly determined by the Generall Assembly, and what is to be accompted the Congregation having that interest; Therefore it is hereby seriously recommended unto the next Generall Assembly, clearly to determine the same, and to condiseend upon a certain standing way for being a settled rule therein, for all time coming. And it is hereby provided, declared, and ordained, that the taking away of Patronages and Presentations off Kirks, shall import nor inforce no hurt nor prejudice unto the title and right that any Patrone hath unto the tythes of the Paroch, nor weaken his Infestment wherein the same is contained, But that the said Title, Right, and Infestment, shall in every respect (so farre as doth concern the Tythes,) be als valid and strong as when Presentations were in use. It is further statute and ordained, that the Tythes of these Kirks whereof the Presentations are hereby abolished, shal belong heretably unto the saids Patrons, and be secured unto them, and inserted in their Rights and Infestments in place of the Patronage. Likeas the Estates of Parliament declare the said Patrons their Right thereunto to be good and valid, Hereby granting full power to them to possesse, sell, annalizie, and dispoise the same in manner after specified, as fully and freely as the Minister and Patrone might have done before the making of these presents, Execepting alwayes therefrom these tythes which the Heretors have had and possesst by vertue of Taks set to them by the Ministers, without any deed or consent of the Patrones, concerning which it is provided, That the said Tythes at the issue and outrunning of the present Taks, shall belong unto the Heretors respective, These said Heretors and the Patrons above mentioned, each of them for their interest, being alwayes lyable to the payment of the present stipends to the Ministers, and to such augmentation and provision of new stipends to one or more Ministers, & such as the Parliament or Commission for plantation of Kirks shall think fit and appoint, Execepting also such Tythes as are and have been possesst, and uplifted by the Minister as their proper stipends; concerning which, it is hereby declared, that the Minister shall enjoy the same without any Impediment as formerly, it being hereby provided also, That this Aet shall prejudice no person of the Right, Title, and Possession of their Tythes by Infestments, Taks, and other lawfull rights acquired by them, and their Predecessors and Authors, as Accord of the Law. Likeas the Estates of Parliament renew the former Acts granted in favours of Heretors, for valuing, leading, and buying of their Tythes; Hereby ordainiug any Patrone, having right to these tythes made to them by this Aet, and having no right thereunto of before, To accept the value of six yeers rents, according to the prices of valued bolles respective, injoynd and set down in the former Aets thereanent, and that for the Heretable right of the saids Tythes, and for all title interest or elaim that the saids Patrons can have or pretend thereunto by vertue of this Aet.



## APPENDIX.

### STATE OF THE PRESBYTERIAN KIRK OF SCOTLAND FROM 1649 TO 1654.

THE Acts and proceedings of the General Assemblies, which we have now presented in an accessible form to the notice and study of our countrymen, constitute the entire body of its statutes that are recognised by the Church as in any degree legitimate, during the long period which intervened betwixt the years 1602 and 1690.

During the years which immediately followed the Assembly of 1649, the dissensions, civil and ecclesiastical, which arose in an aggravated form, rendered all the proceedings of the Church courts of a very questionable character, insomuch so, that no authorized register of these proceedings is known to exist; nor has the Presbyterian Church, ever since the re-establishment of that form of polity at the Revolution, given the stamp of its sanction to any of the edicts which emanated from the few Assemblies that were permitted to be held subsequently to that of 1649. Indeed, after that time, and even before that time, the judicatories of the Presbyterian Church—divided into two furious antagonist parties, mutually excommunicating and excommunicated, persecuted and persecuting each other—had assumed such a position in relation to the supreme national authority, as virtually to dissolve its connection with the State, and practically to abrogate that constitution which it derived from the State in 1592—a constitution which had been again restored to it, with all the legal force of an Act of the Legislature, in 1641. It had ceased to be that Church which the law of the land thus sanctioned; and, by usurping civil and political powers not conferred upon it as a national establishment, and not legitimately belonging to any ecclesiastical body, it spontaneously broke asunder the ties by which it was connected with the State, and perpetrated its own self-destruction. It assumed temporal and political power, whereas only spiritual jurisdiction had ever been conferred upon it. The whole frame of its constitution, as settled by deliberate compact—in the first instance, in 1567, subsequently confirmed by the charter of 1592, and restored by the Act 1641—was

entirely subverted; the subordination of its ministers and inferior judicatories to those of higher jurisdiction was repudiated; and the steps by which it gradually sunk and declined, were consummated by its final extinction as a *National Establishment* in the schisms which arose among its office-bearers, and the forcible dispersion and prohibition of its General Assemblies, under the mandates of a foreign conqueror.

“A General Assembly had met, July 1650, against the lawfulness of which there was no objection. Tho’ it met at Edinburgh, the second Wednesday of July, 1650, according to the appointment of the preceding Assembly, yet none of the Acts of it have been printed.

“Another General Assembly met at St Andrew’s, June 1651, and adjourned to Dundee, where it sat for some time in the month of July, 1651. Also another Assembly met at Edinburgh, the second Wednesday of July, 1652: against the Lawfulness of these last two General Assemblies the anti-Resolutioners protested.

“Another General Assembly met at Edinburgh, July 20, 1653; but after the Moderator, Mr David Dickson, had prayed, a party of armed men surrounded the Assembly House, and the Commander entering, dissolved the Assembly for not sitting by the authority of the Parliament of the Commonwealth of England. He led the Ministers under a guard a mile from the Town, and forbid them again to Assemble.

“An attempt was made to have another General Assembly at Edinburgh, July 1654; but before it was constituted, it was dissolved, as before, by the soldiers. Cromwell gave great support to the Protesters, and bore hard upon the Resolutioners.”\*

In prosecuting our illustrative notices of its rapid decline, and fall, and abolition, by these concurrent circumstances, we are now relieved, in some measure, from adhering to the precise form of the Introductions to the Acts of each successive Assembly, which we have heretofore adhered to, and we are

\* Scott’s Extracts from an Hospital Register of Perth, MS., in the Advocates’ Library, pp. 335-6.



constrained to present the transactions for some years after the Assembly 1649 in a somewhat different shape—as a mere historical conclusion to the Acts of the Assemblies which are recognised; and although we shall give all the information we can glean connected with the Assemblies that were held subsequently, these, it must be remembered, have no such claim to the character of authenticity as that which belongs to the antecedent proceedings. The subsequent details, therefore, must be regarded, not as a record of the Acts of the Established Presbyterian Kirk, but as a mere historical sketch of Presbyterianism in Scotland, during a period of about five years. Presbytery remained, indeed, in a state of complete abeyance, as the Established Church Government of Scotland, during a period of forty years, when it was restored at the Revolution.

There are not, it is believed, any authorized minutes extant, of the Assemblies 1650, 1651, or 1652. The proceedings of the Commission of the General Assembly 1650, from July of that year to July 1651, fill a large volume of above 400 folio pages. A very few pages are extant of the Acts of the Commission of the Assembly 1651, (from August, 1651, to May 14, 1652,) not more than eleven pages. The Acts of the Commission of the Assembly, 1652, (from August, 1652, to May 30, 1653,) fill twenty-nine pages. The whole Acts and proceedings of these Commissions, from 1650 to 1653, could not be comprised in fewer than two very closely printed 8vo volumes of above 500 pages each. None of these Acts, although some of them are in print, ever possessed any authority except over a section of the Church, many of the other ministers and elders having protested against them, and held them to be null and void. Even, therefore, if these were accessible, (which they are not at present,) it would be altogether beyond the compass of this work to include them. Such of them, however, as we have been able to pick up from the controversial pamphlets and chronicles of the times, may be given in this supplement, not as being in any degree authoritative or legitimate Acts of the Kirk, but merely as illustrations of the history of those dark and troublous times.

The period to which our attention is now directed, is one which excites a painful interest. It is pregnant with lessons of infinite value: it presents the most humiliating views of human nature; and, while the hallowed name, and rites, and spirit of religion were desecrated by its pretended votaries—by the clergy of that age, in particular, without distinction of parties—these memorials present to view an incarnation of all the worst passions by which human beings are agitated.

“Each—for Madness ruled the hour—  
Would try its own persuasive power.”

Referring to the Acts of the Assembly 1649 as the most unexceptionable record, both of its proceedings and the spirit by which it was actuated, it will be observed, that, at its close, it appointed the

next meeting of an Assembly to be held at Edinburgh, the second Wednesday of July, 1650, having, as usual, named Commissioners to act during the interval which followed.

In order to pave the way for the various extracts subjoined, it seems proper to give an outline of some domestic occurrences in Scotland during the year 1649, which have not already been adverted to, but which are calculated to throw light upon the state of society in this country at the period alluded to.

A detail has already been given of the events by which Argyle and the Kirk gained a complete ascendancy in the government of Scotland, to the exclusion of all the loyal and moderate men, of whatever rank or condition; and the power thus acquired was not permitted to slumber in a state of inactivity. The Whigamore Parliament, *purged* as it had been of every countervailing element, proceeded, in the beginning of March, to enforce the Act of Classes, (so called, from the classification of those who were excluded from the public service into various grades,) and they began with the highest functionaries of the State. The Earl of Crawford was removed from the office of Treasurer, and his place supplied by a commission, of which Argyle, Eglinton, Cassilis, and Burlic were the members; and Sir James Carmichael, the Deputy, was displaced, to make way for his own son, who was a minion of Loudoun's. The Earl of Roxburghe was ousted as Lord Privy Seal, and the Earl of Sutherland substituted in his room. Cassilis and Lothian were appointed conjunct Secretaries in place of Lanerick, proscribed. Gibson of Durie was superseded, and Johnston of Wariston named Clerk-Register; and Thomas Nicolson supplied the vacancy created by Johnston's promotion, in the office of Lord Advocate. They displaced no fewer than eight Judges of the Court of Session, and appointed others in their places. Lords Couper and Cassilis were appointed extraordinary Lords of Session, and the latter held no fewer than three of the highest posts in the executive departments of the State; and they ordained George Marquis of Huntly “hes head to be ehoped off from hes bodey, at the Crosse of Edinbrughe, one Thursday, the 22 of Marehe, this zeire, wieh wes performed”—the Duke of Hamilton, the Earl of Holland, and Lord Capell, having, on the 9th of that month, been subjected to the same penalties in England, for their resistance to lawless power; while three separate gifts and grants, in favour of Loudoun, were passed the first Exchequer day that was holden; and, in the north, about the same time, the Lord Reay and other loyalists were defeated and taken prisoners, and Inverness subjected to military conquest.\*

Nor was the Commission of the Kirk supine at that dismal season. From the middle of September to the middle of October, it held a Visitation for Angus and Mearns: it deposed eighteen ministers,

\* Balfour's Annales and Lamont's Diary. *Vide ante*, p. 587-8.



and suspended five for "insufficiencie for the ministrie, farnishing of congregations, silence in the tyme of the leatte engagement against Englande, corruptions in life and doctrine, malignancie, drunkenes, and subscribing of a divisive band," &c.\* These were not the only ecclesiastical achievements of the Commission; for, besides several other depositions, a Committee of Assembly visited St Andrews, conuicted Baron, one of the professors, to demit his office; and, by a system of terror, endeavoured to crush the seeds of malignancy among the teachers and youth in that university. Cant and Rutherford were the presiding spirits on those occasions: "Mr Samuell Rutherford [who] altho lousse in hes zouth, hes beine from his first begining a suorne enimey to Monarchey, as hes wrettings testifie, [Lex Rex, &c.] a hatter of all men not of hes oppinion, and one quho if neuer so lightlie offendit, vntreconcilable; woyd of mercey and charity, altho a teacher of both to others."†

Such was the complexion of affairs in the summer of 1649; and we shall best accomplish our object, in a brief abstract of these Scottish annals, by noting, in the first place, from the authentic Acts of the Estates, the more prominent particulars therein recorded, and subjoining these to such documents and extracts from contemporary chronicles as may fill up the outline thus presented.

On the 18th of July, 1649, the Estates appointed a committee to meet at Perth upon the 24th of August, and to call before them all persons within the Highlands, islands, and other places, who were upon the late Engagement against England, or had been accessory in any manner of way to the troubles of this kingdom; and to call on all landlords, and baillies of land, and chieftains of clans, to subscribe a bond and declaration for keeping the peace of the kingdom, and to obtemper [obey] any orders the Committee should appoint for that effect; with power to do all things necessary for keeping the peace of the kingdom.‡ On the 31st, commissions were also granted for visiting the universities of Edinburgh and Aberdeen;§ and, on the 7th of August thereafter, a further commission was granted for the Committee of Estates to sit and act, with plenary powers, till the next session, which was appointed for the first Thursday of March, 1650. Winram of Libberton was appointed Commissioner on a new mission to the King, and (12th September) he was furnished with a letter to the King, and instructions for conducting the negotiations with his Majesty. ||

And thus closed the third session of the Whigamore Parliament. For an illustration of the relative transactions, whether with regard to affairs of Church or of State, we must refer to the memorials of the times.

#### The fourth Session of the Whigamore Parliament

\* Lamont's Diary, p. 12. *Vide ante*, p. 589.

† Balfour's Annales, vol. iii., pp. 410-413.

‡ Acts of Estates, vol. vi., p. 481.

§ Ibid, p. 491. || Ibid, pp. 504, 505, 506.

was opened at Edinburgh on the 7th of March, and next day a letter was approved of to be sent from the Estates to Charles II. acknowledging receipt of his Majesty's acquiescence in their desire to accept the Government. Commission was granted to the Earl of Cassilis and others to repair to the King at Breda, and treat upon the ground of the former "desires" presented to him at the Hague by the Commissioners of Parliament, "according to the Solemn League and Covenant," &c. Instructions were also given to the Commissioners; and an adjournment then took place till the 15th of May following.\*

The Parliamentary proceedings from that time till the end of the year, may be thus given in an abbreviated form, so as to afford a general view of its progress:—

May 15.—The Parliament reassembled.

May 17.—"Act ordaneing the sentence and dome of foirfaulto to be putt in execu'one aganes James Grahame, and for tryell of the remanent Captives."—P. 515.

May 18.—"Ordour givin to the Magistrates of Edin<sup>r</sup> to receave James Grahame and the remanent prisoners from Co<sup>ll</sup> Campbell of Lawers at the water gait," &c.—P. 515.

May 21.—"Act in fauors of the Lord Angus & Sir Ro<sup>t</sup> Murray, anent the prisoners in the Canon-gait."—P. 516.

June 21.—Letter from Parliament to Lenthall, Speaker of the House of Commons of England, remonstrating against the armaments in England and their approach to Scotland, &c.—P. 523. Another to Lord Fairfax, Commander in Chief of the English forces, and another to Sir A. Haselrige, Governor of Newcastle.—P. 524-5. Commission for purging the Army.—P. 525.

June 25.—Act for Levy of Horse and Foot for defence.—P. 526.

"Report from the Committee of Conference with the Commissioners of the Kirk.

"27 Junii, 1650.—The Committee appointed for conference with the Commissioners from the Church, thought it meet that some persons should be sent to congratulate his Majesties happy arrivall into this Kingdome, and to shew his Majestie how glad his people were to heare that it has pleased God to move his heart to give satisfaction to their desires, and that it would be very acceptable to them, that, to testify his reality therein, he would likewise forsake and abandon the company of Malignants, and that his domestick servants, and such as are about him, might be well affected to the cause and not malignant, and such as are otherwise, be removed and put from about him, but in a fair and discreet way.

"And having considered the list of his Majesties servants and others of the train, so far as it come to their knowledge, the Committee aforesaid thought it fitt and necessary that the persons after following, viz., The Duke of Hamilton, [formerly Lord Lanerick,] the Duke of Buckingham, the Earle Forth, Lauderdale, Sir Robert Dalzell, L. Sinclair, Doctor Frazer, L. Wilmott, L. Wentworth, Secretary Long, Mr Uder, Earle of Cleveland, Mr Seymour, Viscount Grandison, Mr Progers, L. Withrington, Mr Rogers, Sir Philip Masgrave, Col. Darsy, Col. Gray, Col. Boynton, Major Jackson, Dr Goff, Mr

\* Acts of Estates, vol. vi., p. 513.



Harding, corrupt chaplaines, and Sir Edward Walker, should forthwith remove themselves and depart out of the kingdome; and such also as have served in armes against the Cause, and been evill instruments and given bad counsell to his Majesties late father and himselfe, and likewise such others as upon information from our Commissioners shall be thought fitt to be removed." This suggestion approved of on 28 of June.—P. 530. All other Scotchmen "not specified" in the Act to be removed out of the Kingdom, and the English to leave the country within eight days, otherwise their persons to be seized and disposed of as the Estates think fit; "and that in the meane tyme they remove themselves from the verge of the Court, and not be permitted to have accesse to his Majestie."—P. 531.

July 3.—Committee of Conference report that all the fencible men formerly ordered be in readiness to march upon sight of the beacons, "under the highest and strictest punishment that can be expressed, death, infamy, losse of all their moveables, and forfaiture of the third part of their estates; and as to the bordering shires, and other shires where the actuall invasion shall be, upon the said invasion, and upon sight of the beacons, the whole persons to rise in armes and draw together to the standing forces of the Kingdome as they shall have advertisement by beacons or orders."—P. 532.

July 3.—An Act for putting the Kingdom in a posture of Defence, &c. "Considering the great preparations made by the Sectaries in England to invade this Kingdom, to destroy the Religion, Lawes, and Liberties thereof," &c., declares "all fencible persons betwixt 60 and 16 are bound to rise in arms to defend the King and Kingdome from Invasion"—and appoints them to rendezvous in every shire.—P. 532.

July 4.—Act ratifying Treaty betwixt King and Commissioners—Instructions to Commissioners to go to the King—The Duke of Buckingham and 7 others, English, allowed to remain in Scotland till next Session of Parliament, but not to come within verge of the Court, or have access to his Majesty. P. 535.

July 5. Parliament continued to 15 of August.—P. 540.

Nov. 26.—The parliament met at Perth—the King present.

Nov. 27.—"The Kings Majestie, and Estattes of Parliament, earnestlie desyres the Commissioners of the Generall Assemblie to remayne heir for sum tyme, that thay may haue their advyce in sum particulars to be comunicat to thame. And that they may haue this day or the morrow a conference with thame thairanent; w<sup>ch</sup> wes communicat to thame by the L. Burghley, the Laird of Duffus, and Hew Kennedy."—P. 541. "The subject of y<sup>e</sup> Conference to be anent the causes and tyme of the Fast, and anent the ceremonies of the Coronatione, anent ministers to the kingis familie, and anent the reasons, pro and contra, quhy men should be admitted or excludit from joyneing with the armie, or acting a part aganes the comon enemy."—P. 542.

Nov. 28.—"The Kingis Majestie and parliament appoynts thiose wpoun the Conference to meitt w<sup>t</sup> the Comissioners of the Ge<sup>ll</sup> Assemblie, at 3 of the elok efternui, in the Kirk Sessione-hous."—P. 543.

Nov. 30.—Remonstrance and Petition of the Commissioners of the General Assembly.—P. 544.

Dec. 2.—Commission for trying and putting to execution three Witches.—P. 548.

Dec. 4.—"The 4 Artickle anent the wreatting of ane Letter to the Moderato<sup>r</sup> of the Comissioners of the Ge<sup>ll</sup> Assembly, approvyn."—P. 548. Act in

favour of persons recommended by the Commissioners of the General Assembly, who have given satisfaction.—P. 549.

Dec. 6. Letter to Moderator of General Assembly read and approven.—P. 550.

Dec. 10. "Ordanes the severall bodyes to meitt at thre efternui, and to considder of the remonstrance givin in be the Comissioners of the Assemblie, and ordanes ilk body to name thre of y<sup>r</sup> number to confer first among thameselfis anent the remonstrance, and y<sup>e</sup>fter to meitt and confer w<sup>t</sup> the Comissioners of the Generall Assemblie, and also how far incapacities that disables men may be takin aff, and men admitted for defence of y<sup>e</sup> countrie to fight aganes the comon enemy, and to treat anent a previous advyse concerning England."—P. 552. "Ordanes thiose who shall be appoynted to confer w<sup>t</sup> the Comissioners of y<sup>e</sup> Ge<sup>ll</sup> Assemblie to acquaynt the Comissioners they ar appoynted to confer w<sup>t</sup> thame."—*Ibid.*

Dec. 14.—"The K. Matie and Parliament ordanes the E. Cassills, the L. Clarkington, and Jo<sup>n</sup> Jafray to pas and acquaynt the Comissioners for the Ge<sup>ll</sup> Assemblie, That sum course may be takin w<sup>t</sup> suche persones as haue joyned and complied w<sup>t</sup> the Sectaries."—P. 553.

Eodem die.—"Answer maid be the Comissioners of the Ge<sup>ll</sup> Assemblie to the queere givin in to thame be the Estaitts of Parliament anent the persones to be admitted to ryse in armes and joyne w<sup>t</sup> the forces of the kingdome, and in what capacite, for defence y<sup>r</sup>off aganes the armie of Sectaries, &c., redd. The L. Chancelar, at comand of his Matie and Parliament did returne thame hartie thanks for y<sup>r</sup> readienes in giving thair advyce so cairfullie, and declared they will be readie to go about to improve the same to the best advantage."—P. 554.

Eodem die.—"Paper conteaning the Parliaments sense concerncing the Remonstrance and Petitione givin in be the Comissioners of the Ge<sup>ll</sup> Assemblie, past in Parliament and sent to be communicat to the Comissioners of y<sup>e</sup> Ge<sup>ll</sup> Assemblie."—P. 554.

Dec. 25.—"Sir James Balfour, Lyone King of Armes, exhibeit and produced ane old evident concerning the entailment of the Croun by King Robert the Bruce to the race of the Stewarts, and protested he might be exonered y<sup>r</sup>off. The L. Chancelar, in name of His Matie and the Parliament, did rander him hartie thanks for his cair and paynes takin for recoverie of so noble ane evident, and ordanes him to have ane act of approbatione of his s<sup>r</sup>vise, and for his exoneration of the evident," &c.—P. 564.

Dec. 28.—"Remitted to the noblemen, barrones, and burrowis, who wer wpoun the Conference to meitt and cloise the ans<sup>r</sup> to the Kirks remonstrance."—P. 565. The Association in the west declared to be void, and any such association discharged in time coming; and a paper containing the sense of the King and Parliament on the remonstrance from the west, of 25 November, read and approved.—P. 566.

Dec. 30.—Act ratifying all Acts of Parliament since the year 1641, and the late treaty at Breda.—"Act continueing the Parliament to the fyift of Februar 1651."—P. 577.

The foregoing meagre abstract serves only as an index to some of the transactions in Scotland during the year 1650, one of the darkest and most perplexed in our history, which we must now endeavour, if possible, to render intelligible by a little more detail. Instead, however, of attempting to reduce into a connected narrative of our own the



complicated "skein of mingled yarn," we shall select a series of statements from the several records of the period, taking these indiscriminately from men of all the parties which then existed and fretted their hour upon the stage. This must be done at the expense of repetitions; but that is fully compensated by the additional light and evidence which will thus be concentrated within a narrow compass compared to what is at present to be found in any single record.

1650.

*Excerpts from Balfour's Annales of Scotland.*

[February.] This mounthe manney basse and euell rumors wer wented abroad of the Lord Chancellor; amongst maney, ther was one anent a woman that had borne him a chyld, and was conveyed to the Englishe border, and was a missing, and thought to be killed. Some ministers went to him, to show him of these foule aspertions wiche wer wented off him; he mentened his auen innocencey, and shew them that these wer bot calumnies forged by his enimies, and some others that affected independeneey, to make him vngratious to the churehe and people; bot God wold in his auen tyme eleire his innocencey, and diseouer ther malice.

In Febrj: one Mr Johne Lawsone was sentenced by the Lordes of Sessione to haue his toungue perced with a bodkin by the hangman, at the tron of Edinburgh, for periurey and falsett; and hes 2 associattes had ther cares nailed to the trone that same day, for bearing falls wittnes; wiche, conforme to the sentence, wes put to executione.

In this same monthe of Febrj: 25 day, wther 3 persons for bearing falls wittnes, wer lykwayes sentenced by the Lordes of Session to haue ther cares nailed to the trone of Edinburgh by the hangman, ther dittay being wrettin one a shedule one ther faees, and they thereafter to be banished the kingdom for euer; to wiche, if euer heirafter they returned, and wer apprehendit, they shuld be hanged; wiche sentence was accordinglie put to executione.

In Appryle this zeire, 1650, the rebels from Orkney invadit Cathnes, and spoyle both it and Sutherland; they wer commandit by - - - L. G. David Lesley marched aganist them with 4000 horse and footte; his randewous wes one Brechin Moore, the 25 day of the mounthe of Appryle, 1650.

27 of Appryle, 1650.—Leiuetenant Generall Lesley hauing appoynted a randeszwouse of his forces at Brechin, 25 of Appryle, did make all possible haist aganist the enimey, marching 30 myles eury day: and to put a stope to the enimies aduancee, he sent Leiuetenant Colonell Strauchan befor him, to command the troupes that wer laying about Rosse and Inverness. Vpone Saterdag, the 27 of Appryle, the enimey was quartered at Strathkell, in Rosse; L. Colonell Strauchan, with hes auen troupe, Colonell Montgomerie, Colonell Kers, L. Colonell Hacketts, and the Irishe troupe, wer quartered about Kincardine. Ther number that were present being onlie about 230, the officers being conueined, and haueing considered the grate scarcity of provisions for horse, and that it was wery probable, the enemies strenth being in footte, they wold take the hills vpon the aduance of more of our horses; they concludit to feight that wicked crew with the force they had: bot the Lordes day approaching, and the enimey

being 10 myles distant, they doubted wther to marche towardes them presently, or to delay wntill Monday, and so deelyne the hazard of ingagging vpon the Lordes day; bot this doubt wes soun remowed, for notice was presently brought that the enimey was marched from Strathkell to Corbisdale, sex myles neirer wnto them, whervpon they fourthly drew vpe in 3 pairties, the 1 consisting of neire a 100 horse, to [be] led one by L. Colonell Strauchan; the 2d some more then 80, to be led one by L. Colonell Hackett; and the 3d about 40, to be led one by Capitane Hutehesone; and 36 musqueteires of Lawers regiment (wiche wer occasionally vpon the place) to be led one by Quartermaster Shaw. After prayers, said by ther minister, they marched about 3 a clocke in the afternoone towardes the enimey, quho wer drawn vpe in a place neire a hill of Scrogie Wood, to wiche, vpon the aduancee of our horses, they quickly reteired; yet L. Colonell Strauchan persewed them into the woode, and at the first charge, made them all to rune. The Lord did strieke suche a terror into ther heartes, as ther most resolute commanders had not the courage to lifte a hand to defend themselves, and our forces, without oppositione, did executione one them for 5 or 6 myles, euen wntill sunne sett.

Ther wer killed 10 of ther best commanders, most of ther officers takin, and 386 comon souldiers. The number of the quhole (as the prissoners did informe) was not aboue 1200, of all wiche ther did not cescape one 100, bot wer ather takin prisoners, killed, or drowned in a riuer that was neir the place. The cheiffe standard, called the Kinges, and four others, wer takin; the traitor, James Grhame, fled, bot was afterwards takin by the Laird of Assins people; his horse was takin; his coate, with the stare and suord belt, wer found in the feild. L. Col: Strachan received a shotte vpon his belley, bot lighting vpon the double of his belte and buffe coate, did not pierce. One of our troopers haisting too forwardly after a boate, wiche earried 2 or 3 of the enimey ouer the riner, was drowned, and 2 wer woundit; and this was all the losse Strauchan and hes followers had. It is to be remembred, that Cap: William Rosse, and Cap: Johne Rosse, came vpe to the executione with 80 footte, chosen out off the countrey forces, and did good seruice.

Friday, 17 Maij. Sessio 1.—Aete ordaining James Grhame to be brought from the Watter Gate one a cairte, beare headit, the hangman in his linerey, conered, ryding one the horse that drawes the earte, (the prissoner to be bound to the earte with a rope,) to the tolbuith of Edinburgh, and from thence to be brought to the parliament housse, and ther, in the place of delinquents, one his knees to reeeau his sentence, viz. to be hanged one a gibbet at the crosse of Edinburgh, with his booke and declaratione tayed in a rope aboute his necke, and ther to hing for the space of 3 houres, wntill he wer dead; and thereafter to be cutt doune by the hangman; his head, hands, and leges to be cutt offe, and destribute as followes, viz. his head to be affixed one ane iron pine, and sett one the pinnaekell one the west gauell of the new prissone of Edinburgh; one hand to be sett one the porte of Perth; the other one the porte of Stirling; one lyge and footte one the porte of Aberdeine; the other one the porte of Glasgow. If he was at his deathe penitent, and relaxit from excomunion, then the truncke of his bodey to be interrred by pioners in the Gray Friars; wtherwayes to be interrred in the Borrowmure, by the hangmans men, wnder the gallows.

Saterdag, 18 Maij. Sessio 1.—Saterdag, 18 of Maij, James Grhame entred Edinburgh, according



to the ordinance of parl: of the 17 of Maij, with 23 prissoners, all commanders, and S<sup>r</sup> Johue Harvey, his Generall Maior, and wer all of them comitted prissoners to the tolbuith of Edinbrughe.

The housse mett this same day, lykwayes, by aine especiall ordinance, at 6 a clocke at night, and sent Robert, Lord Burlie, S<sup>r</sup> Ja: Hope of Hoptone, George Porterfeld of Glasgow, Mr James Durlhame and Mr Ja: Hamilton, ministers, to James Grhame, to aske at him if he had aney thing to say; and to shew him, that he was to repaire to the housse to receane his sentence. They wssed some interrogators to him, and brought his ansuers in wreat.

The housse delays the execution of James Grhams sentence till Monday, at 10 houres, the 20 day. The housse ordaines the Lord Burlie, S<sup>r</sup> James Hope, George Porterfeld, S<sup>r</sup> Archbald Johnston, Clereke Register, S<sup>r</sup> Thomas Nicolsone, K<sup>s</sup> Aduocat, and S<sup>r</sup> James Steuart, Prouest of Edinbrughe, to examine James Grhame one some poynts anent Ducke Hamilton, and others; and becaus he was desyrus to wnderstand of them formerlie, how it stood betuix the King and them, the parl: ordained them to shew him the truth, that ther commissioners and the Kings Maiestie wer aggred, and that his Ma<sup>tie</sup> was coming heire to this countrie.

Monday, 20 Maij. Sess: 2.—The parl: mett about 10 a clocke, and immediatly after the doune sitting, James Grhame wes brought befor them, by the magistratts of Ed<sup>r</sup>, and ascendit the place of delinquents; and after the Lord Chancellor had spokin to him, and in a large discourse declared the progresse of all his rebellions; he shew him that the housse gaue him line to speake for himselue, wich he did, in a long discourse, with all reuerence to the parliament, (as he said.) Since the King and ther commissioners wer accordit, he pleaded his auen innocenecy, by ealling all his auen depredations, murthers, and bloodshed, only diuersione of the Scotts natione from interrupting the course of his Maiesties affaires in England; and as for his last invasione from Orknay, from wich (said he) he moued not one footte, bot by his Ma<sup>ties</sup> especiall direction and eommand; that, he called an acceleratting of the tretty betuix his Maiesty and this natione. To him the Lord Chaneeler replayed, punctually prouing him, by his acts of hostility, to be a persone most infamous, periured, treacherous, and of all that euer this land brought fourth, the most ereuell and inhumane butcher and murtherer of his natione, a suorne enemy to the eouenant and peace of his cuntry, and one quhosse boundlesse pryde and ambition had lost the father, and by his wicked counsellis done quhat in him lay to destroy the sone lykwayes. He made no replay; but was comandit to sitt doune one his knees, and receaue his sentence, wich he did; Arch: Johnston, the Clerck Register, read it, and the Dempster gaue the doume; and immediatly arrising from off his knees, without speaking one word, he was remoued thense to the prisson. He behaued himselue all this tyme in the housse, with a grate deall of eourage and modestie, vnmoued and vndanted, as appeired, only he sighed too seuerall tymes, and roulded his eies alonges all the eorners of the housse; and at the reiding of the sentence he lift vpc his face, without aney word speaking.

He presented himselue in a sutte of blacke clothe, and a scarlet coate to his kneec, trimmed with siluer galouns, lined with crimpon tafta; one his head a beuer hate and siluer band; he looked somequhat pale, laneke faced and harrey.

Tuesday, 21 Maij. Sess: 1.—This day the 281 comon souldiers taken at Kerbestor, that wer in the

Canongait prisson, the housse ordaines 40 of them, being forced from Orknay, and hauinge wyffe and children, to be dismissed. The housse giues 6 of them, being fishers, to the Leutenant Generall; also wther 6 fishers of them giuen by the Parliament to the Marques of Argyle; and 6 of them, being zongg lustie fellowes, giuen to S<sup>r</sup> James Hope, to his lead minnes. The remnant of them the housse giues to the Lord Angus and S<sup>r</sup> Robert Murray, to recreut ther Frenche regiments with, to be transported out of the cuntry to France.

This afternoone, James Grhame was exeecutt, conforme to the sentence of parliament, at 3 a clocke.

*His last Speich one the scaffold, at Edinbrughe crosse, 21 May, 1650.*

I should be sorie that this should be a scandall to aney good Christian. It happius to the righteous according to the wayes of the wicked, and to the wicked according to the wayes of the righteous. They that know me should not condeme me for this; maney grater then I haue beine delt with in this kynd; zet I must say that all Gods judgements are just, for my priuat sines. I acknouledge this to be just with God, and I submitt myselue to him; zet in regaird of man, I may say I am just. I blame no man, I eomplaine one no man for this judgement; I take it from the hand of God; they are bot instruments, I forgiue them; God forgiue them. But to exonerat myselue, that I giue no seandell to the people of God, all that I did was the just commands of my King in his distresse; I know nothing bot to feare God and honer the King, according to the law of nature and nations. I haue not sinned against men, bot against the Lord; and with him ther is mercey; and this is my ground of drawing neir him. I pray God this be not for farder judgement one this land; bot I will not enter on Gods secretts. That wich cheifflic can be said against me is amongst the Lordes people; that I am wnder the censure of the church, it is not my fault, seing I bot obeyed my lawfull prince. Zet I am sorie that they execommunicatted me, and in that wich is according to Gods law, I desyre to be relaxit; and if they will not, according to my conscience, I appeale to God, quho is a righteous judge, that must be my judge. There is one thing much spokin aganist, that I lay all the blame one the King; God forbid! As for the lait King, he liued a saint, and deyed a martyre; I pray God I may end so: and if euer I wold wishe my soule in ane other mans soules steed, it is in his. And for this King, according to his zeires and capacity, wich is guid, no people might be happier then wnder him. All his commands to me wer most just; in nothing that he promisses will he faile; he dealles justlie with all. Thesse testimonies haue I giuen to the last King, and to this King; and I am faithfull to the lait Kings memorie, and to this Kings persone; and all trew people that feare God are of my opinion. It is not obdurdnes of heart that is in me, bot the light of my soule and conscience, and Gods spirit in me. I thank God I goe not to Heavens throne ignorantly, though I haue not much knowledge; I desyre not to be presumptuous; God suffers me not to feurre the terrors of death. I haue that conscience and reasson in that measure that he giueth it me, therfor I goe with courage to death; and quhateuer be my end, lett God be glorified, though it wer to my damnation. I say not this out of weekness and feare, bot out of my deutie to God, and loue to this people; ffor looking one you, I cannot bot morne; therfor I can say no more, bot



remitts myselue to your charity, and I desyre your prayers. You that are scandalized at me, giue me your charity; I shall pray for you all: I leaue my soule to God, my seruice to my prince, my good will to my frindes, and my name in charity to you all. I might say more, bot I have exonered my conscience; the rest I leaue to Gods mercey. Being desyred to pray, he said, I haue alredey poured fourth my soule befor the Lord, quho knowes my harte; in his hands I haue comitted my spirit. If you will not joyne with me in my prayer, then my being in priuat, will be a scandell to me and you bothe.

Wednesday, 22 Maij. Sessio 1.—The housse appoynts a committee to tray the depositions of 54 Witches, with pouer to the said committee to giue out commissions for ther further trayell, examinatione, and executione; as also to thinke vpon a constant coursse and commissione for that effecte heirafter, and to report.

Thursday, 23 Maij. Sessio 1.—Tuo supplications and actes to be passed, exhibit to the house by the Commission of the Generall Ass: one anent papists defrauding of ther heires wich are couenanters;—remitted to a comitte to be thought one. The other anent the further purging of the armye and iudicatories, remitted lykwayes.

Saturday, 25 Maij. Sessio 1.—The Marques of Argyle reported to the housse, that himselue had a letter from the Secretarey, the Earle of Lothian, wich shew him that his Maiestie wes no wayes sorey that James Grhame was defeat, in respecte (as he said) he hade made that invasione without and contrarey to his command.

Wednesday, 29 Maij. Sessio 1.—Petitione of the tuo honest Orkney ministers, humbly desyring a ratificatione of ane acte of the Commissioners of the Generall Assembly, modifinng to them 10 thousand merkes Scotts for ther losses, out of the stipends of the deposed ministers of Orkney, quho had landed with James Grhame; desyring letters of horning to charge for the same; granted by the parliament.

This day at 2 a clocke in the afternoone, conforme to the sentence of parliament, S<sup>r</sup> Johne Horrie and Cap: Jo: Spotswoode wer executee at the crosse of Edinburghe. S<sup>r</sup> Jo: Horrie wes penitent, and confessid that his grate and manyfold sinns aganist God, had brought him to that so publicke ane end. Bot Johne Spotswood deyed in a furey and rage, almost distracted of his witts, and wold confesse nothing.

Fryday, 31 Maij. Sessio 1.—Report anent S<sup>r</sup> William Hay of Dalgatey, Barronett, quho was faulted by the parliament in St Andrewes, in A<sup>o</sup> 1645, and excommunicat thereafter for poperey, ratified; and he being this day called befor the parliament, and asked by the president giue he had aney thing to say for himselue befor the sentence and doume wes pronounced aganist him, said nothing, bot that he was to goe to Germaney, and went to the King to haue his passe; and by him wes commandit to attend James Grhame to this cuntry. He was comandit to kneele one his knees, wich he did; then did the Register reid to him the parl: sentence, wich was to haue his head struckin from his bodey one Tuesday nixt, the 4 day of Junij, at the crosse of Edinburghe, at 2 a clocke in the afternoone; and the magistrats of Edinburghe commandit to see this sentence put to executione.

Saturday, 1 Junij. Sessio 1.—The housse ordaines the Ministers of Edinburghe to end ther sermons befor 9, and then the grate bell to ring daylie at 9 for the conveining of the parliament.

Thursday, 21 Junij. Sessio 1.—A letter to William Leuthall, Speaker of the Parliament of England, from the housse, read. Ane vther letter to the Generall of the armye, Fairfax, read. With ane to the Gouvernour of Newcastle, S<sup>r</sup> Arthur Hasilrige, read. Thir 3 letters being read in parliament, the housse ordaines them to be communicat to the Commissione of the Kirke.

Fryday, 22 Junij. Sessio 1.—Alexander Charteres, the Laird of Emsfeilds brother, execut this day at the crosse of Edinburghe; quho receuid sentence of death one his knees, in the parliament housse, one Wednesday the 13 of Junij.

Wednesday, 26 Junij. Sessio 1.—This day, letters from our commissioners wer read in the housse, shewing that his Maiesty was sauely arriued at Germouth, in Spey, one Sunday, 23d of Junij instant; and that befor he landit, had solemnly suorne and subscribed the couenant, and the lige and couenant.

Thursday, 27 day. Sessio 1.—A letter from Mr Jo: Leuington to Mr Rob: Douglass, presented be Mr James Hamilton to the housse, anent his Maiesties subscriuing the couenant, and the leauge and couenant, and granting all the desyres both of church and stait, of the dait 23 Junij, 1650; read and communicat to the parliament.

The housse ordaines the President of the Parliament to rander the Commissione of the Gen: Ass: in ther name, thanks for ther correspondence.

Friday, 28 Junij. Sessio 1.—Mr James Hamilton, from the Com: of the Kirke, shewes the housse, that they had chossen Mr David Dickson, Mr James Durhame and Mr Robert Burnett, zounger, reuling elder, to goe to the King, from the Commission of the Generall Ass: and in ther name to congratulat his Maiesties saue arriual; and intreats the housse that they may accompaney ther commissioners to his Maiestie.

Mr James Hamilton lykewayes presents to the housse a Varning of the Com: of the Generall Ass: to the kingdome, of the dait 25 Junij, 1650,\* read in the housse. The president is comandit by the housse to rander the presenters thanks; and withall, to intreat them that they wold delay the printing of it some shorte tyme, wntill the parliaments declaration wer redey to be insert therwith, and printed.

Monday, 1 Julij. Sessio 1.—Brodie and Liberton made a full relation of all ther negotiation with his Maiestie; they producit the couenant, withe the church explanatione, subscribed with the Kinges hand, as also the conceessions subscribed by his Maiestie.

The Marques of Argyle this day reportes to the housse, that he had a letter from a trustey find, shewing him that the Presbyterian partey in England had so delt with Fairfax, the Englishe Generall, not to come aganist the Scotts, that he not only refussed that seruice, but had layd doune his commissione.

Thursday, 4 Julij. Sessio 1.—Aete discharging all duells and combatts, and apeallations therto, vnder the paine of death; the appellants and challengers to be degraded by the hands of the hangman, vnder the gallows, and then to be hanged thron. The acceptor of the challenge to be punished with death; and the carrier of the challenge to be banished the kingdome; wotted and past.

The 5 of Julij, 1650, his Matie cam from St Andrewes, and wes banqueted in Couper, to his auen housse of Falkland, one Saturday. My L. the

\* Vide Guthrie's Waters of Silhor, *postea*, p. 619.



Earle of Arundaill intertained him wntill Monday at night.

Mr Thomas Nicolsone, his Maiesties Aduocat, wes knighted in the withdrawing rume at Falkland, after supper, one Wedinsday, the 10 of Julij instant. His Maiesty stayed at Falkland wntill Tuesday the 23 of Julij, from quence he did remoue to Perth for one night, quher he was feasted with all his traine by the magistrats of the said brughe, in L. Generall David Lesleyes housse. Hes Maiestic, at hes entrey, was mett by the prouest and magistratts and counsell, all in mourning, with a gaurd of partisans, who attendid his Maiesty during his abode ther, in mourning lykwayes. Mr George Halybrunton, one of the ministers of the tounne, had a prettey eongratulatory oration to his Maiestic. After dinner one Vedinsday, his Maiestic went to the gardiu housse one the riuier, quherin ther was a table couered with desert of all kinds; ther the Prouest, one his knees, presented to his Maiestic his Burges Bill, and ane other to the Duke of Buckinghame. His Maiestic, at my desyre, wrotte in ther booke of preuilliges his name and motto thus:

24 Julij, 1650.

CHARLES R.

*Nemo me impune lacessit.*

Vedinsday, 24 Julij, his Maiestic went from Perth to Dumfermling. He wisited the Lord Burlie by the way, quher he wes welcomed with a banquet.\*

Thursday, 25 day of Julij, his Maiestic, after dinner, departed from Dumfermling to his auen housse, Streueling Castle.

One Wednesday, 31 of Julij, Gen: Maior Rob: Montgomery, and Colonell Straquhane, led out a pairtey, against the enimey, of 2000 horsse and 500 foote, and beatt him soundlie; and if he had had 1000 more, they had routted his quhole army. They killed to him 5 Colonells and L. Colonells; mortly woundit L. Gen: Lanibert, and aboue 500 souldiers, and returned with no grate losse.

One Monday the 29 of Julij, Cromwell, with all his army, assaulted our trenches neir the Quarrell holles, bot wes valliantly beat offe and repulsed, and 2 of his canon takin; and hes footte partey routted by Lawers regiment, quho doublett alone, mounted the hill at St Leonards chapell, and dange them from ther canon, wiche they had planted ther to shotte one our trenches at the Quarrell holles. The Euglishe flange ther armes from them, and betooke them to ther heiles, wntill a brigad of horsse advanced, and reganed ther canon; bot with grate losse of men and horsse, quhom Lawers men from the hedges and rockes played wncessantly with ther musketts.

Cromwell being soundly beattin one Vednesday by our men, reitired baek to Muchellbrughe, Prestone and Inereske one Thursday, and ther begane to intrinehe himselue; he made stables of all the churches for hes horsse quhersoeuer he came, and burned all the scatts and pewes in them; rifled the ministers housses, and distrayed ther cornes.

Cromwell sent a trumpete, on Thursday the 1 of Aguste, to L. Generall Lesley, with a liste of suehe prissoners of ours as he had takin since his inwading the countrey, wiche amounted to the number of 80, and desyred that he might haue them exchanged.

The L. Generall, with the adwysse of the Committee, did returne the blasphemers this ansuer,

that he had giuen striet order and command to all the countrey, not to take or moleste aney of his horsse ore footte souldiers in ther peeceable retraits home to ther auen countrey, bot to intertane them kyndly, and assure them a saffe passage to ther homes.

The Committee of Parliament for purging the army, did meitt this 2, 3 and 5 dayes of Agust; they acted nothing against the enimey, bot purged out of the army aboue 80 commanders. The ministers in all places preched inessantly for this purging, sheuing, if that eomitte did not proceid, the consequences that wold follow wold certanly proue lamentable and destructiue, and wold vndoubtedly multiplie Gods judgments vpon the land and army.

One Monday the 5 day of Aguste, Cromwell reitired baek with his army from Mussilbrughe and Innereske to Dumbar, after he had sent the day befor, a letter, most ridicolous and blasphemous to the Comission of the Generall Assembly, and a replay to the Committee of Estaits ansuer to his foolishe declaratione, being in effecte nothing bot a rapsodey of bosting and hyperbolicke nonsense.

One Friday, the 9 of this mounth of Agust, ther came from the Committee of the Army and Kirk to his Maiesty, to Dumfermling, eommissioners, viz. the Earle of Lothian, Secretarey; Sr Archbald Jhonston, Register; Mr Robert Douglas, Mr James Guthrie, Ministers; and Mr Robert Barelay, Prouest of Irwing, to intreat him that he wold be graciously pleased to subseriue that declaratione, wiche the army so muche desyred his Ma<sup>tie</sup> to emitt for the satisfaction of all honest men; wiche wes deliuered by the Marques of Argyle to him some few dayes befor. His Maiestic did reeeauce ther message graciously, about 1 a clocke in the afternoone, and delayed giuing them ane ansuer wntill his returninge from hunting in the euuing this night, wiche he desyred them to expeete; bot they reeeauid no contentment: the King denyning absolutely to declare aney thing [that] might rube vpon his father, so they departed, vpon Saturday, vnsatisfied.

Cromwell, with his army, raise one Tuesday the 13 day, from Mussilbrughe, and vent vest with touardes Colintoun; and our army drew fourth of ther tranches, and marched after them towards Corstorphine.

This Tuesday his Maiestic called a counsell at Dumfermling, the first he held since his coming to Scotland; it [was] held in his Ma<sup>ties</sup> bed chamber; ther wer present of counsellors ther, Argyle, Lothian, Eglinton, Tuedale, Lorne, Thesaurer-Deput, &c. The results of ther consultatione wer, that his Maiestic should presently wreatt to the Comission of the Kirke, and shew them that he wold follow ther adwisse, not only iu the declaratione, bot in all thinges ells that coneernid the peace of the kirke and religion, and eouenant; only he iutreated them to be als sparing of his fathers name and memorie as necessarly could be.

One Wedinsday, in the afternoone, the Earle of Weeymes and Mr George Winrhame of Liberton, came to Dumfermling to his Maiestic, with a shorte declaratione of the Comission of the Kirkes, ratified by the Com: of Estaits, shewing, that since, by ther frequent messages and petitions sent to his Maiesty anent his assent to a declaration to be emitted, he had altogider refussed the same; thesse, therfor, wer to shew to the world, that wntill he condescendit to passe the forsaide declaratione, they wold nather auen him nor his cause. The ministers hes Maiestic had wrettin for 2 dayes befor, for soluing some scruples he had in the declaratione they demandit,

\* There was a General Assembly held at Edinburgh, on 10th July, this year, for which see Lamont's Diary, *postea*.—Ed.



cam to him one Thursday to Dumfermling, viz. Mr David Dickson, Mr Patrick Gillespie. . . . And after much disputatione, some alterations in wordes wer accordit one; it being wrettin ouer in mundo, his Maiestie signed the same, at Dumfermling, one Friday the 16 day of Agust, about 3 in the afternoone, and immediatly thereafter tooke horsse for Perth.

They all, both church and stait, passed from that declaration sent by the Earle of Weymes and Liberton; and gaue his Maiestie humble thanks for granting the desyres of the church, stait, and army.

*The Heads of the Declaration subscribed at Dumfermling, 16 Agust, 1650.*

Though his Ma<sup>tie</sup>, as a deutfull sone, be oblidged to honor the memorie of his royall father, and to haue in estimation the persone of his mother, yet doeth he desyre to be deeply humbled and afflicted in spirit befor God, because of his fathers opposition to the worke of God, and to the soleme leauge and couenant, by wiche so muche of the blood of the Lordes people hath beine shed in these kingdomes; and for the idolatry of his mother, the toleratiue quherof in the kings housse, as it was matter of grate humbling to all the protestant churches, so could it not be bot a heighe prouocation aganist him, quho is a jelous God, visiting the sinns of the fathers vpon the children, &c.

2. That he hath not subscribed the couenant vpon any sinister intentione and crooked descinge, bot sincerely; and that he will haue no frinds or enimies, bot these of the couenant; requyring all to lay doune ther enmity against the cause and people of God.

3. That the trettey with the Irishe be void.

4. That by hes commissions at sea, no merchants following ther trade be interrupted; and though his Ma<sup>tie</sup> desyre to constructe weill of the intentions of thosse (in reference to him) that opposed the couenant, zet he will not giue comission to any such, untill they take the couenant, and giue euidence of ther integritie, &c.

5. That he will satisfie the desyres of Englishe and Irishe good subiects; and giue parliament of England, sitting in fredome, shall prewin him with the propositions presented be bothe kingdomes, he will not only accord them with alterations, bot doe quhat is farther necessary for prosecuting the ends of [the] couenant, especially in reformation of the church of England, and as the diwynnes at Westminster accorded; and that the church of England may enioy full liberty and freedom of all assemblies, and pouer of kirke censures and ordinances, and members, in matters ecclesiastike, &c.

6. To passe ane acte of obliuion to all, except the cheiffe obstructers of the worke of reformation, and the authors of the change of gouernment and the murders of his royall father; the number and persons to be left to the houses of parliament; and prouyding they lay doune armes.

7. That since the sectaries haue inwadit Scotland, &c. he desyres and expectes, that the weill affected in England will lay hold one the opportunity to promote the couenant, and establishe the ancient gouernment, &c.

The armyes remonstrance to the Committee of Estaites, sent by the Lord Burlie, Maior Generall Holburue, S<sup>r</sup> Johne Brune and Colonell Gilbert Ker, desyring the purging of the armye furder, if they think fitt; as also the purging of his Maiesties courte and family; and that they wold putt the lawes made for that effecte to dew executione, &c. 15 Agust, 1650.

The Committee of Estaites returned them hartly thanks for ther remonstrance and suplicatione, and assured them that they wold not fail to endeour ther wtermost to see thesse lawes made effectually, wiche they tooke so to harte, as a matter of grate consequence and heighe concernment for the good, honore, weillfare and saftie of religion, King and kingdomes.

*The Comission of the Kirkes and Committee of Estaites Declaratione, quhen the Kinges Maiesty delayed to seinge the Declaration of the 16 of Agust; by them repelled, quhen the King seigned it.*

Westkirke, the 13 of Agust, 1650.—The Comission of the Generall Assemblie, considring ther may be just ground of stumbling, from the Kings Maiestie refusing to subscribe and emitt the declaration offred to him by the Committee of Estaites and the Commissioners of the Generall Ass: concerning his former carriage, and resolutions for the future, in reference to the cause of God, and the enimies and frinds therof, doeth therfor declare, that this kirke and kingdom doe not owen nor espousse anie malignant parties quarrell owen interest; bot that they fight meirlic vpon ther former groundes and principalls, and in defence of the cause of God and of the kingdom, as they haue done thesse 12 zeires bygaine; and therfor, as they disclaime all the sin and the gylt of the King and of his housse, so they will not auen him or his intrest, no wayes then with a subordination to God, and sua farc as he aimes and prosecuttes the cause of God, and disclaimes his and his fathers oppositions to the cause of God and to the couenant, and lykwayes all the enimies therof; and that they will, with conuenient speed, take in consideration the papers laity sent wnto them from Oliver Cromwell, and vindicat themselves from all the falshoods contained therein; especially in these thinges quherin the quarrell betuix ws and that partie is mistaited, as if wee auned the lait Kings proceedinges; and we resolved to prosecute and mantaine his present Maiesties intrest befor and without acknowledgment of the sine of his housse, and former wayes, and satisfaction to Gods people in bothe kingdomes. W. A. KER.

13 of Agust, 1650.—The Committee of Estaites hauing seine and considerit a declaratione of the Comission of the Generall Assemblie, anent the staiting of the quarrell quheron the armye is to fight, doe approue the same, and hartlie concur therein.

MR THO: HENDERSONE.

2 Sept: being Tuesday, by the brecke of day, our armye being in grate security, hauing left the hill, a grate part of them (wiche was ther strenth and forte) wer surprissed and routted by Cromwell and the sectarian armye; maney takin of the footte, maney woundit, and about 8 or 900 killed.

At Stirling, the 12 of Septem: 1650.

*A shorte Declaratione and Varninge to all the Congregations of the Kirke of Scotland, from the Commissioners of the General Assembly.*

Albeit the Lord, quhosse judgments are vnsearchable, and quhosse wayes past findinge out, hes brought the land wercy low vnder the hand of ane prewailling enimey. Zet must wee not forbear to declare the mynd of God, nor vthers refuse to harken therio. It wer superfluous to giue ansuer to the maney calumnies and reproches that are blazed abroad; for albeit in curey thing wee cannot iustifie the conducte of the armye, zet wee hold it our deutie to desyre curey one not to beleue groundles



reports, bot rather to eye the Lord, and looke vpe to the hand that smytts them. And therfor, in the first place, wee exhorte and varne all the inhabitants of the land, to searche out ther iniquities, and to be deeplie humbled befor the Lord, that he may turne away his wraith from us. The Lord hath wounded ws, and chasteissed ws sore; wiche sayes, that our iniquities are muche, and that our sins are increased. It concerneth the King to mourne for all the gruous prouocations of his fathers housse, and for all his auen guiltines; and to consider if he hes come to the couenant, and joynd himselfe to the Lord, vpon politicke intrests, for gaining a crowne to himselfe, rather then to aduance religione and righteousness; that it is iniquitie quhilk God will not forgett, excepte it be speedilie repented offe. It concerns our Nobles and Judges to consider wither ther carriadge in publicke matters be straight and equall, or rather sauoring of seeking themselues and the thinges of this worlde; and how they walke in ther families, and in ther priuat conuersations. Ther is in maney a grate deall of peruersnes and incorrigiblenes in regard of forsaking some and performing some duties, notwithstanding publicke confessions and ingagements; and this cannot bot heighlie prowok the Lord. And it concerneth the officers of the armye, especially thesse quho are cheiffe among them, to weight weell quhat the Lord hes aganist them, and to repent of ther diffidence and carnall way of aeting and underualuing of Gods people. And ministers haue also need to searche themselves concerning ther faithfullnes to be sound, for wiche God is angrie; doubtles euen amongst thesse is muche negligence. Albeit the Lord hes suffred that armye of perfideous and blasphemous sectaries to preuail, zet God forbid that the land should complay with him, quhateuer may be the plauseable and faire carriage of some of that enimey, zet doubtles, ther is ane lewin of error and hypocrassey amongst them, wich all the lowers of treuth wold decern and awoyd. As the Lord hes trayed the stabilitie and integritie of his people in the land heirtofore, by the preuailing of malignants, so doeth he now tray them, by the preuailing of sectaries; and wee trust they will thinke, it ther deutie and commendatione to proue staidfast aganist them, als weil as the other.

3. Nather wold men be lesse cairfull and actiue, to oppose the enimey, than they haue beine in opposing malignants heirtofore; our religione, liues, liberties and estaits, are als muche in hazard now as cuer; all the ordinances of Jesus Christ in the land are in danger, and the foundatione lyke to be ouerturnid by thesse men quho are oblidged, by the hand of the couenant, to mainteine all thesse; and it wer a grate guiltines to ly doune and complay and erutche vnder the burden of the strange impositions that they will lay wpon ws, and as men without head, to suffer our land to be brought in bondage, and ourselues to be robbed of all thesse thinges quhilk are most presious and deire to ws. If wee should doe so, the Lord wold be angrie with ws, and our posterity could not bot curse ws.

4. Wee wold not think that all danger from the malignants is now gone, seing that ther is a grate maney suche in the land, quho still retien ther former principalls; therfor we wolde, with als muche watchfullnes and tendernes now as euer, awoyde ther snars, and beware of complaynce and coniunctione with them; and take head, that wader a pretence of doing for the King and kingdome, they gett not power and strength wnto ther handes, for aduancing and promoueing ther old malignant desseinges. Doubtles our saftie is in holding fast our

former principalls, and keeping a straichte faithe, without declyning to the right hand ore to the lefte.

5. It concernes all the inhabitants of the land to bewarre of murmuring and complaining aganist Gods dispensations, and questioning the treuthe and goodnes of our causse, or quarreling with God, or blaming or casting of the couenant, becausse of aney thing that hath befallin them, that wer a grate iniquitie not to be pardoued. Lett ws beare the indignatione of the Lord patientlie, becausse wee haue sinned aganist him, wntill he plead our causse and execut judgment for ws; he will bring ws scurthe to the light, and we shall behold his righteousness.

*Causes of a soleme publicke humiliatione vpon the defeat of the armye, to be keepit throughout all the congregations of the Kirk of Scotland.*

Albeit soleme publicke humiliations hes beine muche slighted, and gone about in a formall way, by maney in this land, so that it is not one of the least of our prouocations, that wee haue drawin neire to God with our mouthes, and keepit our hartes fere from him; for wich the Lord hath turned the wisdom of the wysse unto foolishnes, and the strenthe of the strong men unto weaknes; zet seing it is a deutie that hath oftin prowyn comfortable to wswards, God doeth nou call ws in a speciall way by a singular peice of dispensatione; and knowing that all quho are acquainted with God in the land will make conscience of it, wee conceaue it expedient that the quhole land be humbled for the causes following:

First, The continued ignorance and profanitie of the bodie of the land, and the obstinacey and incorrigiblenes of maney, notwithstanding of all the caires that God hath takin vpon ws by his word, and by his workes of mercey and judgement, to teache ws in the knowledge of his name, and to refraine ws from the euell of our wayes.

2. The manifest prouocations of the Kinges housse, wiche wee feare are not throughlie repented off, nor forsaken by him to this day; togidder with the crooked and preecipitant wayes that wer takin by sundrie of our statesmen for caring one the trettie with the King.

3. The bringing home with the King a grate maney malignants, and indeworing to keepe some of them about him, and maney of them in the kingdome, notwithstanding of publicke resolutions to the contrarey.

4. The not purging of the Kinges familie from malignant and profane men, and the constituting of the samen of weil affected and godlie persons; albeit it hathe beine oftin pressed vpon the parliament and Committee of Estaits, wndertaking and promised to be performed by them.

5. The leueing of a most malignant and profaine gaurd of horsse to be aboute the King, quho hauing beine sent for to be purgit aboute 2 dayes befor the defaite, wer suffred to be, and feight in our armye.

6. The exceiding grate slaknes of maney, and auersnes and vntowardnes of some, in the cheiffe iudicatories of the kingdome, and in the armye, in guid motione and publick duties, especially in thesse thinges that concerne the purging of iudicatories and the armye from malignant and scandalous persons, and filling all places of powre and trust with men of knowen integritie and trust, and of a blamles and Christiane conversatione; togidder with grate inclinations to keepe and bring in malignants to the iudicatories and to the armye, as if the land could



not be gydit and defendit without thesse ; and grate repynning and craying out against all that is done to the contrarie, and studding to make the same ineffectuall.

7. The exceeding grate diffidence of some of the cheiffe leaders of our army, and withers amongst us, quho thought wee could not be saued bot by a numerous army; who, quhen wee haue gottin maney thousands togider, wold not hazard to acte aney thing, notwithstanding that God offred faire opportunities and aduantages, and fitted the spiritts of the souldiers for ther deutie ; for carnall confidence that was in maney of the army, to the dispysing of the enimey, and promising victorie to themselves, without eying of God.

8. The lousnes, insolencie, and oppressione, of maney in the army, and the litle or no caire that was takin by maney to preserue the corne; by wich it hath come to passe that werey much of the food of the poore people of the land haue beine neidlesly destroyed ; and quhill wee euen remember this, wee wishe that the prophanitie and oppressione of sundrie of oure officers and souldiers in England, quhen we were fighting for the assistance of the parliament of that kingdome, may not be forgottin, because it was matter of stumbling in that land, so it is lyke it is aone of the causes of the sore indignatione now manifested aganist us by the handes of thesse men.

9. Our grate withthankfullnes for former mercies and deliuerances, and euen for maney tekings of the Lords fauor and goodnes towards our present army quhill they wer togider, and the grate impatience of spirit that was to be seine in maney thesse weekes past, quhilk made them linnitt the Lord, and to compleine and weerie of his delaying of aone deliuerance.

10. The enuing and eyeing of the Kings intrest, and quarrell by maney, without subordinatione to religione, and the liberties and saueties of this kingdome.

11. The carnall selue seiking and crooked way of sundrie in our iudicatories and armies, quho make ther employments and places rather aone matter of intrest and gaine, and preferment to themselves, then of aduancing religione and righteousness in the land.

12. The not putting difference betuix thesse that feare God, and thesse that feare him not, for our seruices, our companie, our employments, bot aocompting all men alyke, maney times preferring thesse quho haue nothing of God in them.

13. The exceeding grate negligence that is in grate ones, and maney others, in performing the duties in ther families, notwithstanding of our former solemne aeknowledgment of the samen ; as also, our negleete of the duties of mutuall edificatione, and grate fruitfulness and barrennes that is to be seine amongst all sorts of persons ; togider with the following of deutie with a grate deall of mixture of carnall affections and fleshly wisdom, wich grieues the Spirit of God, and takes away much of the beutie of the Lords image from our iudicatories.

As we wold be humbled for thesse thinges, so wold wee also intreat the Lord that he wold sanctifie this affliction to his people, that they rather dispysse his chestisings, nor faint quhen they are rebukit of him ; bot that they may beare his indignatione patiently, and cleiue steadfastly to the treuthe and the couenants, and the cause of God, without zeilding to the pouer of the enimey, or receauing ther errors, or complaying ather with them one the one hand, ore malignants one the other ; and that the Lord wold poure out of his Spirit vpon the people, that ther spiritts may be raised wnto ther deu-

tie, and that they may be filled and furnished of God with wisdom and resolutione to acte aganist ther enimies for the honor of God, ther auen preservatione ; and that the Lord wold not suffer them to be tempted aboue that wich they are able to beare, bot that he wold breake the yoke of ther oppressors from off ther neckes, and giue them saluatione and deliuerance ; earnestly to intreat the Lord in priuat and in publike, that he wold preserue with us the ordinances of Jesus Christe, the kingdome, the Kings Maties persone, the ministrie, from the pouer of ther enimies, quho seekes the destruction of all.

Maney of the ministers of the prouince of Fyffe, at the first, refused to reid thesse ressons, especially, Mr James Wood, Mr Ja: Bruce, Mr Dauid Forret, Mr Frederick Carmichell, Mr Jo: Mackgill, zounger, Mr Henrey Rymere, Mr Jo: Mackgill, elder, with maney more ; wich wes lyke to grow to werey grate sehissine ; some did not sticke to say, that 5 ore 6 men wer too bolde to giue out ressons to a quhole churche, without a more frequent meiting of the Comissione of the Generall Assemblay.

Mr James Wood mainly stumbled at some wordes ill placed and worsse expressed, in the 2 artickle of the causes of the fast ; he said he wold with his pene (if they did not mend it) make all the world know the wntreuthe therof. The wordes wer thesse : Togider with the crooked and precipitant wayes that wer takin by our commissioners for carrinng one the trettey with the King. Bot the ring leaders at Stirling, (to quhome Mr James, and some of the deligatts of the prouinciall of Fyffe, posted in grate haist, both ministers and elders) gaue contentment, by expressing the former so :—Togider with the crooked wayes and precipitant, that wer takin by sundrie of our staitsmen, for earinng one the trettey with the King.

The synod of Fyffe for the most pairt, lykwayes, at this tyme, wold haue suche as wer classed for the lait ingagement, 1643, and now wer on ther satisfactione and penance, receaid to the participatione of the sacraments, and giue satisfactione to the kirke, admitted to publike employments in the comon defence of ther natiue countrey. Bot this was altogider denayed both by the Comissione of the Generall Assembly and Committee of Estaits, conuennid at Stirling, the 25 of Sept : 1650.

Stirling, 27 Sept: 1650.—The Committee of Estaits, considering the necessarye deutie lying vpon them, in prosecutione of the acte of parliament, and according to the frequent and serious remonstrances of the Comissione of the Churche, for purging of the Kings family of al profaine, scandalous, malignant, and disaffected persons ; and that it be constituted of such as are pious, and weil affected to the cause and couenant, quho haue not opposed the same by ther counsells and actions. And lykwayes considring the grate offence hes beine takin that the persons after nominatted haue not remoued from courte, nor depairted out of the kingdome respectfully ; and hauing takin also into consideratione the report of the sub-committee, appoynted to think one the purging of the Kings family, doth heirby therfor ordaine and command the French Marques of Villaneuffe ; the Earle of Cleueland ; Lord Wentworthe, his sone ; Viscount Grandeson ; Lord Volmett ; Lord Withrington ; Robert Longe, Secretary ; S<sup>r</sup> Eduard Walker, Garter ; Mr Progers, Groome of his Maties Bed Chamber ; Master Lane ; Master Marche ; Colonell Darcey ; Mr Antony Jackson ; Maior Jackson ; Colonell Loes ; Master Oder, vnder Secretary ; Lord St Paule ; S<sup>r</sup>



Philippe Musgraue ; S<sup>r</sup> Faithfull Fortskew ; S<sup>r</sup> Timothy Fetherstons ; L. Coll: Meutis ; Collonell Carbraithe ; to depairt the courte within 24 houres, and to remoue out of the kingdome within 20 dayes after intimatione ; and Doctor Fraser, and S<sup>r</sup> George Melueill, to withdraw from the courte within 24 houres. And to the effecte that the persons forsaid may not pretend ignorance heirof, the comitte or-danes S<sup>r</sup> James Balfoure of Kynaird, Knight, his Maiesties Lyone King of Armes, to make dew and speedie intimatione heirof ; eomanding S<sup>r</sup> Jo: Broune, Colonell, and the officers of footte of his Maiesties lyffe gaurd, to put this present acte into executione ; with certificatione to all and eurey of the afforsaid persons, that if they falzie to giue obedience heir-wnto, the said S<sup>r</sup> Jo: Broune, Coll: is to apprehend them in aney place within the shyres wher they shall be ; and the officers of the footte gaurd to seasse vpon them within the verge of the courte, to be disposed vpone as the comitte shall thinke fitt ; for doing quherof, thesse shall be comand and varrand sufficient. Extract.

C. W. HENDERSONE.

With this acte for purging the Kings housse, the Committee of Estaits wrett me this letter followung, bearing dait at Stirling, the 26 day of September, 1650.

Much honoured—Wheras wee haue thought it necessarye that the persons mentioned in the acte heer inclosed be remoued from courte, and ordaind to depairt out of the kingdome, wee doe herby authorisse and requyre you to intimat the same to the personse concernid, and to see the acte put in executione by the officers of the armye therby ordanid to doe it ; to quhome you are lykwayes to intimat the ordinance of the committee, that if need be, they may doe quhat is enioyned them by the acte. The pro-seccutione quherof wee comitt to your care and faithfullnesse, as you will be anssuerable, not doubting but you will approue yourselue to

Your affectionat frinds,

E. LOUDOUN, Cancellarius.

I. P. D. Com :

Stirling, 26 Octob : 1650.

I reccaud this afforsaid letter at my auen housse of Kynaird, aboute 9 a clocke in the morning, one Thursday the 3d of October, and was at Perth about 12 a clocke the same day ; and after I had kissed his Maiesties hand, I shew him my message. He desyred me to forbear making intimatione to 9 of them, wiche he marked with a long score in the roll, untill he spoke with the Lord Chancler, to quhome and the comitte, he had wrettin to spare thesse untill the sitting doune of the parl : bot desyred me to goe one with the rest of them. That same night, at 9 at night, the L. came to Perth, and spoke with the King one Fridayes morning, and brought him a letter from the Committee of Estaits, containing ane absolute refusal to suffer aney of thesse persons sent to me in list, to stay aboute his persone or courte ; so I went one, and made intimatione to all, ather by word or wreat, conforme to the acte and missiue of the Committee of Estaits directed to me.

Friday, 4 Octob : 1650.—The Kings Maiestie, as if going one hauking, went away from St Jhonstoune one horsse backe, about halffe ane houre past one in the afternoone, accompanied only with thesse fol-loung seruants :—

Henrey Symeour, a Groome of his Bed Chamber ; Mr Rodes, Mr Androw Cole, and Mr Tho: Windam, 3 Gentlemen of his Stable ; with Mr

Cartwright, a Groom of his Priuey Chamber ; without aney change of clothes or linnings, more then wes one his bodey, in [a] thiū ryding sutte of stuffe. From Perth he red softlie throughe South Inche, and then at a full earreire, to the backe of Inche Shyra, quher he passed, and in ane houre and a halffe from Perth, red to Didope, by Dundie ; from thence, the Viscount of Didope conwayed him to Aughter Housse that same night, and not staying ther, the Earle of Buchan and Vis: Didope conwayed him to Cortuquhay, the duelling place of the Earle of Airlie, ane excommunicat papist, quher, after a litle refreshment, that same night he read with a gaurd of some 60 or 80 Heighlandmen wpe the glen to ane poure cottage belonging to the Laird of Cloua ; in al, from Perth, the way he went, some 42 myles befor he rested.

One Fridayes night, 4 Octob : a litle befor day, hauing layed him to rest his weiried bodey, he was found by L. Collonell Narne, of Sanfurd, and Colonnell Bynton, ane Englishman, sent by Colonell Robert Montgomerie, (quhom Seottscraige, by the way of Fyffe, hed adwertissed at Forfar of his Maiesties suddaine deperture to the malignants from his auen people and court) laying in a nastie rounge, one ane old bolster aboue a matte of segges and rushes, ouerweiried and wercy fearfull.

In a prettey space after Narne, came Robert Montgomerie and Seottscraige, with S<sup>r</sup> Alex: Hope and one of his Maiesties haukes ; they did perswad the King to horsse, it being nou almost 7 a clocke, and they wold wait one him, and liue and dye with him. The King told Rob: Montgomerie that Doctor Fraser had betrayed him, in assuring him that he should haue beine, that day he eam away one, deliuered vpe to the English, and all hes seruants hangel. They assurid his Maiestie that all was most falls, and he bot a traitor ; thus discoursing, Didope, and his few Cloua men that wer then his Maiesties gaurd, wold haue had the King vpe to the hills, assuring him, that ther, within some 5 or 6 myles, he wold find 2000 horsse and 5000 footte to atteind his commandiments ; bot erre he was awarre, Rob: Montgomerie's 2 regiments of horsse appeirs, some 600 horsse, quherat Buchan, Didope, and ther begerly gaurd, begane to sheeke ther eares, and speake more calmley, and in a lower strain ; so they conducted his Maiestie to Huntley Castle in the Carsse of Gourey, quher he stayed all Saterdayes night, and from thence, one Sunday in the afternoone, he came to Perth, the 6 of Octob : and hard sermon in his auen chamber of presence, the afternoons sermon in the toune being endit befor he cntred the toune.

4 Octobris, 1650.—This same day, about 5 in the euening, the L. Chancler, seinng the King wes in effect depairted, and had left them, he called all of the Committee of Estaits, and such as wer weil affected, to meitt in the westrey of the churche. . . . It was resolued at the meitting to send after the King commissioners, viz: E. of Dumfermling, E. of Louthean, Secretary of Estit ; S<sup>r</sup> Charles Erskyne, James Suord, and Mr James Durlame, the Ks: Minister.

Ther wes wrettin a myld and descreit letter, beehiung his Maiestie to returne from that euell way he had takin, wiche might proue destruetiue to himselue, his posteritie, and kingdome, if he did not speedilie returne.

The commissioners had 10 artiekells of instructions giuen to them, wiche they wer to mannage according as necessity should requyre.

10 Octobris, Thursday.—The comitte saitt in his Maiesties priuey ehanber at Perth.



King present : &c.

*Nota.*—This is the first tyme that ever the King satt in the Committee of the Estaits of Parliament.

[11 October.]—Letters from L. Generall Lesley to the Lord Chancellor, read, shewing that the enemy was marched towards Glasgow.

This day the Comissioners of the Generall Ass: represents to the committee the abuse of commanders, in taking money for men and horse, to the grate preiudice of the lewyes; as lykwayes of the abusses wssed by souldiers vpon the cuntry people. This complaint alredey comitted with that of the not attending commanders.

A sub-committee appoynted to thinke wither or not Cromwells letter desrues ane ansuer, and it to be communicat to the Commissione of the Gen: Ass: It is thought fitt to be ansuered, and the sub-committee to draw tpe ane ansuer to it.

The Com: of Estaits ordaines the subiecte of the conference with the kirk to be, That ther may be suche vnity within the kingdome betuix those that lowes the cause, and to thinke vpon the most fitting means for that effecte.

Committee ordaines all officers furthewith to repaire to ther charges.

Cassiles, Brodie, and Rob: Locart to comunicat thesse thinges to the Commission of the Kirke.

Monday, 14 Octobris. The La: of Bogie, wpon the recommendation of the Commission of the Kirke, is reponid by the Committee of Estaits to his former integritie, and putt one the Committee of Warr of Fyffeshire.

[15 Oct.]—The Earle of Linlithgow, vpon his petitione, and recommendatione of the Commissione of [the] Kirk to the Committee of Estaits, is admitted to the inioying of aney publicke employment in the kingdome, he being ane engager aganist England.

[16 Oct.]—The Lord Montgomery petitions the Com: of Estaits to be reponid, and produces his recommendatione from the Commissione of the Kirke, in respecte he had satisfied the kirke, and was penitent for his accessione to the ingagement aganist England; and that they had accepted of others. This bill refussed *pro tempore*, and remitted to the parliament.

*The Northerne Band & Othe of Engagement, sent by Mideltone to L. Generall David Lesley, 26 of October, 1650.*

We wndersubscriuers, being tuoched with a deepe sence of the sade condition this our native kingdome of Scotland is in, by a prewailling army of sectaries, quho hauing murdered our lait King, and ouerturned religione and gouerniment in our nighboure kingdomes of England and Irland, hath invaded this kingdome, and are in a way (hauing so considerable a pairt of it wnder footte alredey,) to reduce the quoll to a prouince, except the Lord by his mercey prewent it, by ioyning his Maiesties subiects in the band of vnitie, wich is the onlie meine (in our judgement) to preserue religione, King, and kingdomes. Bot to the greiffe off our hartes, wee find, in place of vnione, the breache growing wyder, and that not onlie in churchie and staitie, bot lykwayes in the remnant of our army; our resolutions are firmie and faithfully to ioine ourselves together, and nather for feare, threttning, alurment, nor aduantage, to relinquishe so good a cause, or lay doune armes, without a generall eonsent; and quhat shall be done to the least of ws all, in prosecuting the said vnione, shall be taken as done to ws all. And seing the best wndertakings

are wnder the mercey of censure and malice, wee cannot bot apprehend to be subiect to the lawless inquisitione. Therfor, and for satisfacione to all quho are satisfiable, wee doe promisse and swear, that wee shall manteine the trew religione, as it is established in Scotland; the couenant, leauge and conenant; the Kings Maiesties persone, prerogatiue, grates, and authoritie; the preuiledges of parliament and freedome of the subiects. So helpe ws God.

*Sic subscribitur,*

HUNTLEY.	ATHOLE.	SEAFORT.
ST CLARE.	JO. MIDELTONE.	
PAT: GRHAME.	S <sup>r</sup> GEO: MONRO.	
TH: MACKENZIE.	JO: GORDON.	
WANDERROSSE.	W. HORRIE, &c.	

*Midiltons Letter to L. General Lesley, from Forfar, 24 of Octob: 1650.*

R<sup>t</sup> Honorable,

Being still sensible of maney ciuilities conferrid vpon me by you, and being most desyrus to continew myselue in your fauor, and shune aney thing that may tend a breache, I haue sent you inclosed the ground of our iugagment, quierby you may perceauwe we onlie ayme at vnione. Wee are to goe vpon the samen grounds you professe. Nather in reasone can it be expected that men at this tyme should looke vpon bussines vncontented; we are Scottishmen, we desyre to fight for our cuntry; religion, king and kingdome are in hazard; we desyre to ioine with others vnder your commande, without changing the stait of the questione. Others wnder your command are ane other way; we are hopefull that you will not shed the blood of your brethreen, nor put ws to that wnhapney necessity as to shed yours in our auen defence. It may be obiected, that weo did fall on S<sup>r</sup> Johne Brroune, his regiment, in ane hostill way, wee thanke God that non in that regiment, nor aney belonging to ws did fall, nather think that ther was one drope of blood shed; bot it was S<sup>r</sup> Johne Brouns briske expressions that did occasion it. I beseiche you, by all the expressions of frindschipe, and by that voue ze owe religione, king, and kingdome, to indeuore vnitie, and not to enter in bloode with thesse that are redey to perishe for that samen pretious treuth you fight for; not doubting bot in this you will approue yourselue ane cuntryman and kynd frind to him quho has put one a resolutione to be your faithfull frind and humble seruaut.

Jo: MIDELTONE.

Forfar, 24 October, 1650.

Quhen Cromwell had sent a letter to the Committee of Estaits, of the 9 of October, 1650, he sent the duplicat of the same to the westernne army and ther comandars, Ker and Straquhaine, quho, after they and ther committee had perused it, they resolved to returne no publicke ansuer therto, since, as they thought, the Committee of Estaits wold ansuer it; only they resolved to returne him thesse 6 following querees for ansuer, as S<sup>r</sup> George Maxwell quho presented ther remonstrance to the Committee of Estaits at Stirling, ——— of October instant.

1. Quhay is satisfacion demandit? 2. Quhat is the satisfacion demandit? 3. For quhat is the security demandit? 4. What is the security ze wold haue? 5. From quhom is the security requyred? 6. To whom is the security to be giuen?

After the remonstrance of the westernne army was presented to the Committee of Estaits at Stirling, and accepted be them, and marked by ther clerke,



produced by S<sup>r</sup> Geo : Maxswoll in name of the commanders, gentrey, ministers and armey, (calling themselves the Western Forces,) thereafter within 3 or 4 dayes was [the] thre following papers sent by them to Courte and Committee of Estaits at Perth, Tuesday, 30 of October—[viz.]

30 Octob : 1650.—It being manifest that the Kings not prosecuting the cause of God, nor walking in ane subordination to God, bot rather in opposition to the work of God and the couenant, and eleiuing to all the enimies, we doe therfor, according to the declaratione of the elurche and stait of the 13 of Aguste 1650, disclaime all the sin and guilt of the King and his housse, both olde and lait; and declare, that wee doe not allow him nor his intrest in the stait of the quarrell betwix ws and the enimie, aganist quhom, if the Lord will, wee are to hazard our liues.

2. That within Scotland he ought not to be intrusted with the exercise of his power, till such tyme as ther be conuincing and cleir euidence of ane reall change in him; and that ane effectuell course ought to be takin for preventing, in tymes coming, his coniunctione with the malignant party, and for trayng the cause of his lait deserting of the publicke counsailes, and of all quho had acession therto; and for disabling malignants, vntill they be out of capacity to hurte the worke and people of God.

3. That the publick iudicatories be free, that ther is iust cause in Gods sight to charge some eminent persons in our counsells and forces with ingagements and deseinges to invade Ingland, for inforcing the King one that nation; and that it was a grate prouocation in aney persone to haue intendit ane invasion to Ingland, for the inforcing of the King one ane other nation, not subordinat to ws; with consideratione of the necessities and unlawfullnesse therof for cleiring of our calling to it, or remoueing the Lords contrawersie aganist the King, quhom justly the Lord had removed from the gouerniment of the kingdome, quhatsoever in justice was one mans parte.

*To the Rt Honorable the Committee of Estaites, the humble Remonstrance of the Gentlemen, Commanders and Ministers, attending the forces in the west.*

17 October, 1650.

Although we do not judge of the undertakings of the Lords people by the succeſſe, and be not shaken by the dissipating of our armey, nor brought in question our cause, yet we thinke ourselues, and all the people of this land, called by theſe late dispensations to searche and tray our wayes; we doe therfor esteeme it our deutie (quhill we are about to aduenture our liues againes the enimie, as providence shall giue opportunitie) frelie and faithfullie to make our thoughts known to your Lops: concerning the causes and remedies of the Lords indignation wiche hath gone out aganist his people, quherin we suppose we need not insist vpon the lait sinns contained in the lait causes of the fast, published by the Commissioners of the Kirke, relating to the conduct and carriage of our armie, and other thinges; bot we shall speike to that wiche most directlie concerns your Lops:

1. That wiche is obuius, in the first place, amonge the sinns of the land, is our late proceedings with the King; quherin, that we be not mistakin, we shall distinguish betwix our deuty and our sinns.

We owe and acknowledge for our deutie, to wsse all lawfull wayes and means for reclaiming the King,

and to owne his intrest according to oure vocatione, so fare as he owns and prosecuttes the cause. Bot we are conuincid that it is our sinne, and the sin of the kingdome, that quhen the King had walked in the wayes of his fathers, oppositione to the worke of reformation, and the solemne leauge and couenant, vntill he had gone the lenthe of confirming a peace with the Irishe rebels, for pardon of the blood shed of so maney thousand protestants, and allowing them the exercise of the popesche religion; and quhen he had giuen commissions to the appostat rebell James Grhame to invade this kingdome: that after all this, commissioners should haue beine varrandit to assure him of his present admision to the exercise of his royall power, vpon his profession to ioine in the cause and couenant, not onlie without aney farder euidence of his repentance, wnto the renewing of the Lords contrawersie with his fathers housse, and without conuincing euidences of the realitie of his profession, and his forsaking his former principalls and wayes; but quhen ther was pergnant presumptions, if not cleir euidences of the contrarey.

2. That ther was to grate haist and præcipitatione in a second addresse to the King, after the first had beine reiected, as appeired in the publick motion of it, without aney consultation about it; in the suddaine electione of commissioners for the solemne addresse, and in refusing to delay the matter vntill the meeting of the parliament, then weray neire; and all this haist made quhen ther was informatione giuen that his Maestie at the same tyme had giuen commissions to invade this kingdome, and without seeking the Lords directione in a matter of so heighe consequence to the worke and people of God.

3. That the trettey was continewd after the Lord had eleirlye discovered the Kings vnstraight dealing, in the invasione actuall of this kingdome, by his warrant and commissione during the trettey.

4. That ther was too grate forwardnes in some of the commissioners to close the trettey, without satisfaction requyred by the parliament, and ther employing instruments to persuade the King, who wer ather oppin enimies to the cause and couenant, or had delte deceitfully therin; from quhom nothing could be expected, bot to teache his Matie dissimulatione and outwarde complaunce, rather than aney cordiall coniunctione with the cause and couenant.

5. Quhen the parliament of this kingdome was acquainted with the transactions of our commissioners with the King at Breda, and had declared ther disaffectione with sundrey thinges therin, and had made the same known to our commissioners; zet plainnesse and freedome was not wsse with the King, to declare wnto him befor he eam from Holland, the sence of this kingdome vpon the trettey. Bot his Maestie was brought to sea with a wicked companie of Scottishe and Englishe malignants, expresly contrarey to the directions of parliament.

Quhen the Lord had in a wondrous providence brought to the weiu of the parliament his Maties bloodie commissions to James Grhame, and scuerall letters discovering his firme adherence to his former principalls, euen quhen he was proposing a trettey with this kingdome, and of resolutione to make wsse of his forces lewied by James Grhame for the invading of this kingdome during the tyme of the trettey. Notwithstanding of all this, they proceeded to close a trettey with the King, and admitt him to the present exercise of his power, and that befor aney trayell had, or euidences giuen of aney reall change in him.



Thesse things wee looke vpon as heighe prouocations befor the Lord, thretting no lesse the destructione of vs and of our King.

Notwithstanding this sinfull way of aggrement with the King, for wiche wee and maney of the Lords people in the land haue mournid, finding nothing in all the progresse of the bussines that might giue vs aney sure ground of hope that the Lords contrawersey was remoued from the royall family, yet haue wee bein willing to wait untill the Lord should make some discouerey, wither the King had really ioyned in the cause and couenant, or had onlie come in for worldlie ends and deseinges, and had reteind his olde enmitie at the worke of God, and frindschipe with the enimies therof. Bot now ther being cleir evidences that the Lord hath bein deceaued and ensnared by his dissembling in the Lords worke as may appeire,

1. By his countenancing and entertaning the malignant partey in this kingdome, his cleiuing to ther companey and following ther counsell, quho haue abused him, taught him to continew in his former opposition to the worke, and in his lait compliance, that he might wind himselfe in power to prosecute his former desaiunges.

2. By his keeping correspondence with the notorious enimies of the worke of reformatione and couenant abroade, suche as the Marques of Ormond, the Earle of Newcastle, and others.

3. By his refusung to seinge the declaratione offred to him by the Committee of Estaits and Commissioners of the Generall Assembly, untill he was necessitated by declarations concerning him, and untill it was in a kynd extorted from him.

4. By his perseuing the same desinge since the trettey as befor, indeworinge to haue the malignants of his kingdome in pouer and trust, as appeirs by his frequent conuersing and correspondencies with them, notwithstanding they are discharged the courte by acte of parliament.

5. By his wretting to the Comissione of the Kirke to that purpose, and quhen it was denyed by them, by his instructions to the Lord Chancellor, communicated to the Committee of Estaits the 26 of September last, pleading for a coniunction with the malignant partie; and, at last, quhen nather kirke nor staite did giue ther concurrence therin, he deserted the counsailes of the kingdome, and priuatly conwayed himselfe away with the malignants, quho had euer since his coming to the kingdome waitit for that opportunitie, and with quhom he had corresponded in carring one a desinge to raise the againe in armes.

By thesse things, it being now manifest that the King is not prosecuting the cause of God, and valking in subordination to God, bot rather in opposition to the worke of God and the couenant, and cleiuing to the enimies therof, according to the declaration of kirke and stait of the 13 of Aguste 1650, wee disclaime all the guilte and sin of the King and of his housse, both olde and lait; and declare, that wee cannot owen him and his intrest in the stait of the quarrell betuix vs and the enimey, aganist quhom (if the Lord will) we are to hazard our liues.

And further, for the remedey of quhat is past, and prewenting of more sin and danger to the worke of God in this land, wee humble offer to your Lops: that besydes the repenting off and humbling yourselfes for thesse things, your Lops: wold be pleased, according to the acte of the 7th of Februarij last, iudgeing it necessari securitie for the cause, that the King forsake the counsell and counsellors that haue been opposit therwnto; and

according to the acte of parliament explaining the inuitatione wich approues therof onlie in this sensse: he performing satisfacione to the desyres conteind in the 4 demands, and according to the acte ratifying the trettey, and putting him in the exereisse of his power, with the lyke restriction and conditione, he reuling according to the counsell of this kingdome and kirke. To consider that the King not hauing forsaken the counsell and companey of malignants, bot still cleiuing to the same, notwithstanding of all the endeours used by kirke and staite in the contrarie, and not hauing performed the satisfaction promissed by him in the trettey; and not reuling according to the counsell of the kingdome; bot forsaking the same to ioyne with malignant counsell and forces wich he was bound to abandon: Withere this be not suche a breache of his conditione to performe the satisfacione promissed, and suche a discouerey that he hath not ioyned cordially in the cause and couenant, as giues godd ground not to intrust him with the exereisse of his power, till suche tyme as ther shall be conuincing and cleire evidence of a reall change in him; and that your Lops: should take ane effectull course for preuening the Kinges coniunctione with the malignant partie for the tyme to come; and for the tryall of the last malignant desinge of the Kings deserting the publicke counsailes, and of all thesse quho haue had accessione to it, and for disableing the malignants, quho haue by ther lait acteinges discouered deepe hypocrisie and mocking of God, by a profession of repentance, till they be out of capacity to hurte the worke and people of God?

II. Albeit the publicke iudicatories of the kirke and stait haue, by ther declarations, sufficiently cleired themselves of that wich is vniustly charged vpon them by the aduersary, to witt, ane ingagement to the King, and a desinge laide to invade England; and force the King vpon that nation by armes. And althoughe wee cannot purge ourselves befor the Lord, that we neuer had aney suche desinge, wich wee can professe with the more cleirnes, becausse nather the lawfullnes nor necessity therof, nor our calling therwnto, was euer so muche as debaitted in the publicke iudicatories; all wiche was declared to be necessary to aney suche resolutione, and to wich wee purposse still to adhere. Zet wee beseeche your Lops: to consider wither in Gods sight, quho will not be mocket with declarations contrarie to intentions, ther be no iust cause to charge some eminent persons in our counsaills and forces with suche ingagements, and deseinges to invade England for the enforcing of the King vpon that nation, and for enriching themselves with ther spoyle. And that the Lord is righteous in doing to this nation, as maney in our armies did to England quhen wee wer called to ther assistance, and as was intendit by maney to be done againe by a new inuasion.

Lett it therfor be zet examined how grate a prouocatione it is in aney persone to haue intendit ane inuasion, and forcing of the King vpon ane other natione not subordinat to vs, without a preuius debait and determinatione of the lawfullnes and necessity therof, by the parliament, or Generall Assembly, or ther commissioners; and without a preuius cleiring of our calling to it, and without the preuius remoueing of the Lords contrawersie aganist the King, (quhom iustlie the Lord hes remoued from the gouernment of that kingdome, quhatsoever justice was in mans part,) and with ane intendit coniunctione with the malignant partie, so fare contrarie to the publicke declarations and



professions of the kingdome, and attestation of God that wee had no suche deseinge.

If it be sin in vs to haue put in the Kings handes the exercisse of power in this nation, befor euidences had of a reall change in him, how much more sinfull must it be to haue descinged, or to haue endeured, the putting more power in his hands in England; wee cannot judge otherwayes of suche a deseinge, then to be preferring of mans intrest to Gods, and a betraying of his cause and people wnto the handes of one quho had not layed doune his enmitiey aganist bothe.

In the nixt place, the grate and mother sin of this nation wee conceaue to be the backslydinge breache of couenant, and engagements wnto the Lord. It hath beine our maner in our troubles to call one woves and resolutions aganist thesse sins, wiche haue beine looked vpon as causes of our affliction; wee haue [so] often leied wnto the Lord with our tounges, and flattered him with our lippes, that wee deserue to be no more trusted by him; and as wee purpois not to forgett our auen breaches of couenant and sins of this sorte, so wee humblie desyre your Lops: to lay it to heart:—

1. How vnansuerable ze haue walked to your solemne ingagement to purge the iudicatories and armies, and to fill the places of truste and power with men of knowin good affection to the cause of God, and of a blamles and Christian conuersation. Haue not some amongst you beine the cheiffe obstructors of the worke, by retarding conclusions, by studing to make them ineffectuall, quhen they haue beine takin; by your partiall dealing, differing men according to ther intrests, countenancing, fauoring, keeping in and helping to places of power and trust, suche malignant and profane persons as might be subseruiant to your deseinges; by your reckoning it qualificatione good aneuche, if a man be free of accession to the ingagement, thoughte he wer otherwayes malignant or prophaine; by your sparing of thosse in eminent places and truste in the iudicatories and armies, and taking no trayell of the qualifications, according to your vowis, quhill you wer doing some deutie vpon them of lower degree, quherby it hath come to passe, that ther remaine zet spots in your iudicatories wich diminishes your crydit and authority, and occasione is giuen to the enimies to blaspheme the cause of God!

For remedeeing quherof, may it pleis your Lops: to take zet ane vnpartiall way of remowing from the King, the iudicatories, and armies, all suche persons as haue not the qualifications conteind in the 7th desyre of the kirke to the parliament, 1648, and to the 10 and 12 pages [of] our solemne acknowledgement and ingagement, and in the acte of parliament for keeping the iudicatories and places of trust free of corruptione. That your Lops: be not found walking still in [the] same way, sinning zet more quhen wrathe is gone in the gude land; lett it be farre from your Lops: to hold fast deceit, and to refuse to returne from that werrey sin wich hath beine publickly acknowledged by you and all this kingdome.

2. Albeit nothing can be addit to that wich is spokin of the madnes and sinfullnes of complying with malignants in the 5 and 6 page of the solemne acknowledgement and ingagement; zet maney of your Lops: haue sliden baeke and returnid to the way wiche not longe since ze called sinfull befor God, by receauing malignants into intimat fellowshipe with yourselues, admitting them to your counsailes, and bringing in some of them to the parliament and comittees, and to be aboute the King; so that ther are maney pregnant presump-

tiones of a deseinge in some of your Lops: to sett vpe and imploy the malignant partey againe, at least ther are demonstratiue euidences of a strong inclinatione to entrust them againe in the managinge of the worke of God.

When wee compare togider the assurances that wer giuen to the malignants that wer with the King in Holland; the bringing of thesse home; the studious indeuors that haue beine vsed to keepe some of them in the kingdome and aboute the courte; the admissiōe of all the malignant partie to resorte to the courte without aney effectuall restraint; the forshewing and grudging at the purging of the armey from malignant persons; the obstructing of the purging of the Kinges familie and the lyffe gaurd of horse; the pleading of some in the iudicatories for persons that are secludit from trust by the publicke resolutions; the profession of others in the Committee of Estaits of ther desyre and resolutione to put power in the hands of knowen and eminent malignants in Scotland, and of raising the malignants in England in armes, vnder the name of the kirkes partey. The conuinienece of some amoungst you, as the Kings correspondenciēs with the enimies of the cause abroad; the leawinge out vpon debait, in the orders for the new lewies, the qualifications of the acte of parliament for the lewies and posture; the endeuors that haue beine vsed to hastin the Kinges coronatione, and for putting him in the full exercisse of his power, notwithstanding that he hes not forsakin his eiuell counsellors and companey of malignants, according to the trettey.

And lastlie, quhen wee ioyne with thesse the assistancis and endeuors of maney in the Committee of Estaits for carrinng on the Kings lait oppositione of a coniunction with the malignant partie, and with the Claus and Heighelanders quho haue beine in rebellion; wee wounder that your Lops: are not ashamed so quickly to haue turned asyde, and forgottin your lait woves, and the maney bands that are vpon you to abstaine from suche wayes. And wee humblie thinke that your Lops: giue too grate occasion to the enimie that hes inwadit our land to charge you with a malignant deseinge, and setting vpe the old malignant interest.

For remedie quherof, wee humblie proposse, not onlie that all suche baekslydinges may be repented of, and all thosse coniunctions with the malignant partie forsakin and abhorred; bot that a speedie and a current way may be takin by your Lops: for discourey and remoweall of all suche persons as shall be found to haue contriued and actiuelly promotted the forsaid deseinge, from the Comittee of Estaites, the armey, the courte, and all wther places of trust, that the worke of the Lord and the kingdome may not be in hazard throughe ther influence wpon the publicke iudicatories or vpon the armey.

3. Wheras the sinns of couctousnes, oppression, and selue-seiking haue beine oftin reproued in your Lops: and are enumerated with the sins of this land, and confessed, and woves takin one for awayding thesse sins the tyme to come, the solemne acknowledgement and ingagement; zet wee conceaue, amongst other sins, for the iniquitie of your couctousnes the Lord hath beine wrothe, and hath smittin the land, and for your selue-seeking and studing your auen intrest and endis; becausse that notwithstanding you and wee haue said to the Lord, and suorne, that denaying ourselues, and our auen thinges, and laying asyde all selue interest and endis, wee shall aboue all thinges seeike the honor of God and wealthe of his people, zet quho



knoweth not that some of your Lops: hath made your pouer, places, and imployments, rather a matter of gaine and interist to yourselues, then of seeking the good of the cause, and the wealth of the people. Wher is the denayell of yourselues, and of your auen things, wch was promised to the Lord? Hath not your litle finger beine heauier then the loynes of the worthy reueler, quho wold not eat the bread of the gouernour, that he might easse the peoples burden? How few are ther amongst your Lops: quho will emptie themselves for the good of the cause?

For remedie quherof, wee beseeche als maney of you as hath greidily gained, and made aduantage of the publicke and of the poore of the land; and by the lewies, Kinges renewes, fynnes, borrowed moneyes, and wtherwayes of fingring soumes, haue drawin vnto yourselues and frinds that wch did belonge to the publicke wsse, that you wold cleane your hands of your dishonest gaine, at wiche the Lord will smytte his hands, and wch will be mouthe to consume your housses. Let the extortioner and oppressor, oppress no more; and lett it be leuked vpon as your Lops: deutey, impartially to bring all men to the accompte for the wast soumes that haue beine misapplayed, and known oppressors brought to condigne punishment.

4. Notwithstanding wee haue acknowledged our sin, in following, for the most part, the counsells of fleche and blood, and walking more by the rewwells of polieey then pietie, hearkening more unto men than vnto God; and albeit that wee haue solemly engaged ourselues, that forsaking the counsells of fleche and blood, wee should depend vpon the Lord, walke by the will of his worde, and hearken to the voyce of his seruants; zet it is too manifest that the Lord is exceedingly provoked by the pollitick way quherin maney of you walk still, not only imping your priuat intrests and endis with those things that concerne the publicke good, but maney tymes preferring them, and opposing or retarding Gods worke, till you may carry alonges with you your auen interests and deseinges. Wee beseeche your Lops: to lay to heart your publicke way of walking, and as befor the Lord to examine yourselues, wether your waye hath not beine full of earnall wisdom and policie, in the matters of bringing home the King, disposing of places of trust aboute him, and ordering the cheiffe conduete and cheiffe officers in your foris. Let your auen hearts speake, wether the reuel by wch you haue walked in all thesse, hath not beine to establishe yourselues, rather than the worke of God, or King and kingdome; and how some of you may haue ane grate and predominant intreest in all thesse, it is euident some of your Lops: haue not cared how few frindes the Lords worke had in thesse places of trust, if so be ze might haue maney frindes to espousse your intrests, and politicke wayes and endis.

5. Wee cannot forgett how some amongst your Lops: quho haue vowed to the Lord, in the day quhen the frinds of the cause wer low, and quhen some of your Lops: also wer brought wery low; that ze should trust and imploy, and cleaue to suche persons in the land as feared God, and wer treulie religious, and should neuer dewyde from those; zet for all that, some amongst you haue lookit vpon all ore most of thesse on quhome the pouer of godlines hath appeired, with ane euell and jelous eye, and haue not onlie neglected to countenance and encourage suche, bot rather haue randered them and ther actions odious and suspected. For wch things the wrath of God is gone oute, and is

lyke to continew till your Lops: and wee shall learne to putt a difference betuix the pretious and vile, and to haue the power of godliness in grater estimatione.

Wee wold not haue your Lops: to thinke that wee looke vpon thesse things wch wee haue remonstrated to you, as the onlie causes of the sade things that are vpon the kingdome, or that wee thinke ourselues not guilty or accessorey to the drawing one and procuring thesse bitter things that are vpon ws. The Lord knowes that wee are so far from suche thoughts, that although we your Lops: wer innoeent of all thesse transgressions, wee ar conuined that in ws ther is als muche guiltines as makes ws feare it is the worse with the Lords people, that wee are amongst them, and with His worke, that our handes are aboute it; in the sense quherof, as wee haue desyred to humble ourselues, so wee purposse to take new occasions for a free acknowledgement of our sins, and to be humbled for them, and to renew our ingagements to the Lord to be more reall and sincere in persewing all the endes of the Couenant, and dewties therein conteind, according to our vocation.

Nather wold wee haue your Lops: to thinke that in our free dealing with you, wee haue beine led with the spirit of bitternes, or desyre to discouer your nakednes to the world, or to strengthen the hands of the aduersaries. He quho knoweth our hartes, knoweth that wee desyre to carrey ourselues respectiuey and deuotifullly to the publicke iudicatories, and to tender ther authoritie and erydit as our liues; nor is it in our hartes to provoke your Lops: to vnlawfull courses, bot earnestly to desyre you to awoyde them; nor haue wee the least deseinge to follow the footstapes of the sectarian partie, and change the fundamentall gouerniment of this kingdome, by king and parliament, or aney lewelling way, as wee heir some wold calumniat falsly our honest intentions. The Lord, befor quhom all things are naked, manifestly knowes wee detest and abhorre suche courses; onlie we hold ourselues bound humble to hold suche the corruptions of persons in the gouerniment, and desyre to be more tender of the guide of the cause and kingdome, than of aney persone quathsomewer; and to chusse rather to displeasse men, then to inurre Gods wrathe, through our conuience at ther corrupte wayes in ther places of power. Zet wee shall freelic tell your Lops: quence this hath proceeded, wee being persuaded, in our consciences, of the vnrighteous dealing of those quho haue invaded and wasted our land, and troden doune the pretious ordinances of Jesus Christe, and shed the blood of his saintes; and the necessity of the lamenting people of God, calleth ws to the wtermost adventuring aganist the enimey; being also sensible of our auen conditione and disproportionable thoughtes for attempting of aney thing, except wee be mightilie helped, assistit and countenanced by the Lord. Bot aboue all things, being affrayed of sin and wrathe, least that should meitt with ws, now quhen wee are resolved, according to our capacitey, and as God shall giue ws opportunity, in his strenth to venture our liues aganist the enimey; and not knowing wether some of ws, ore aney of ws, shall see your Lops: in the face, or heireafter haue aney occasione to speike for the discharge of our consciences, wee haue therfor, and for our auen exoneratione, thought it necessary to leaue this testimony [of] our sincere detestation of thesse sinns, and of our desyre to be found free of them. if the Lord shall suffer aney of ws to perishe in our deutie, and to lay thesse things at your dore, as in



the presence of the Lord, quho can onlie make you and ws repent and reforme our wayes.

Declaring to your Lops; that wee shall desyre you wnfaniedly to mourne for thesse sinns, and that ther are engagements one your heartes befor God, if he shall lenthen our dayes, and take pleasure in ws, to make ws aney wayes instruments of His worke, and for His peoples good and saftie, that wee shall, to the wttermost of our power, endewor to gett thesse thinges remedied according to our plaees and callinges.

22 Octobris, 1650.—Productit by S<sup>r</sup> George Maxwell, and red in presence of the Committee of Estaites at Stirlinge.

4 Nov: 1650.—The 4 of Nowember the northerne rebelles layed doune armes, and accepted of the acte of indemnitie, by a trettey with L<sup>d</sup> Generall David Lesley at Strathbolgie.

The L. Generall being at Aberdeine, in his retourne southe, after the northerne armyes laying doune armes; he was wisited by Mr Androw Cants, elder and zounger, ministers of Aberdein, quho, amongst maney other discoursses, told the L. Generall that wee could not in conscience asist the King to reeouer his crowne of England; bot he thoughte one kingdome might serue him werey weill, and one crowne was aneuche for aney one man; one kingdome being sufficient for one to reuell and gouerne. A number of suche discoursses wer wented to him, bothe by the father and the sone, to the same purpois. The L. Generall told this to the minister of Newbrughe, Mr Laurence Oliphant, and to the L. of Ferney and Londres, one Monday the 11 of this instant of Nouember.

*Cromwells Letter to the Committee of Estaites,*  
9 Octobris, 1650.

My Lordis,

The grounds and endis of the armyes entringe Scotland, haue beine heirtfofor oftin and cleirlye made known wnto you, and hou muche wee haue desyred the same might be accomplished without blood; bot according to quhat returns wee haue receauid, it is euident your hearts had not that loue to ws, as wee can trewly say wee had towards you: and wee are persuaded thosse difficulties in wich you haue inuolued yourselues by espousing your Kinges interest, and taking into your bosome that persone, in whom (notwithstanding quhat hath or may be said to the contraire) that wich is really malignancey and all malignants doe center, aganiste quhosse family the Lord hath so eminently withstood for blood guiltines, nor to be done away with suche superficiall and formall shewes of repentance as are expressed in his laite declaratione; and your strange preiudice aganist ws, as men of hereticall opinions, (wich, through the grate goodnes of God to ws, haue beine vniustlie charged vpon ws,) haue occasioned your reiceting of thosse ouertours, wich, with a Christian affection, wer offred to you befor aney blood was spilt, or your people had suffred damage by ws. The daylie senee wee haue of the calamitie of warre laying vpon the poore people of this nation, and the sade consequences of bloode and famine lykly to come vpon them; the aduantages giuen to malignants, profaine and popeische partey by this warre; and that reality of affection wich wee haue so often professed to you, and concerning the treuthe of wiehe wee haue so solemnly appcaled, doeth againe eonstraine ws to send wnto you, to lett you know, that if the contending for that persone be not by you preferred to the peace and weillfair of your countrey, the blood of your

people, the loue of men of the same faith with you, and wich is aboue all, the honor of that God wee serue; then giue the staite of Ingland that satisfaction and securitie for the peaceable and quyet liuing by you, that may in justice be demandid from a nation giuing so iust a ground to aske the same from thosse quho haue, as you, takin ther enimey wnto ther bosome, whilst he was in hostility aganist them; and it will be made good to you, that you may haue a lasting and durable peace with them, and the wishe of a blissing vpon you in all religious and ciuill thinges. If this be refused by you, wee are persuaded that God, quho hath borne his testimonny, will doe it againe one the behalffe of ws his poore seruants, quho doe appeale to him wither thesse desyres flow from sincerity of heart or not. I rest,

Your Lops: humble Seruant,  
Lithgow, 9 Octob: 1650. O. CROMWELL.

The backe of this Letter did beare this superscriptione:—For the R<sup>t</sup> Honorable the Committee of Estaits of Scotland, at Stirling, or elsquher.

14 No<sup>b</sup>ris 1650.—A grate meitting this day of the Commissione of the Kirke, at Stirling. They wreat to all the graue ministers of the prouince of Fyffe, Perth, and Angus, to assist them.

19 Nov:—The Committee of Estaits resolues to haue a conference with some Ministers, for the compossing of that bussines anent the westernre remonstrance.

22 Nov: 1650. Rege presente.—My Lord Chancellor makes a narratione to the Committee of Estaits of the progresse of the Committee of Conference anent the vesterne remonstrance; of the bolde debaittes and small resolution, more then to haue a publicke fast.

23 Nov: Saterdag, 1650.—My L. Argyle, Balcarras, Louthean, and the Kings Aduocat, spoke at large aganist the remonstrance of the west, as the opiner vpe of a breachie for tolleracione and subuersione of the gouerniment, bothe ecclesiastieke and ciuill. Warrestone and Hombie spoke muche to leassie the bussines. Hombie for the maner, Warrestone for bothe maner and matter.

The Committee of Estaites ordaines all the members of the comittee presently to giue ther declaratione, one ther honor and treuthe, that they wer uather contriuer, carriers one, ore votters to the westernre remonstrance, wich was done; all disclaiming it. Warreston did grant that he did see it, was at the voting of it, bot refused to giue hes wotte therin. He denayed that he wes accessorey to the contriuing of it at first.

2 sent from the Comittee of Estaits to desyre the Commissione of the Kirke not to depairt the toune this day, bot to meitt afternoone, in respecte of the grate bussines in hand.

It was muche debaitt wither the remonstrance of the west should be annsuered in generall or in particular; it went to wott, and wes carried to be annsuered in generall; only Warestone, Robert Locart, and Johnne Jeffra, with S<sup>r</sup> Rob: Adare, wotted to haue it altogether layed assyde.

The result of all this afternoones dispute aganist the remonstrance endit in this, that some wer sett apairt to draw vpe the heades of the acte condemnatorie of the said diuisiue, seandalous, and tresonable remonstrance.

A paquet of letters intercepted by the scout master, of the enimies, directed to London, quherof 3 letters wer only read, concerning Straquhan and the presbyterians, &c.

The Committee of Estaits ordaines the saids letters to be communicat to the Commissione of the



Kirke, especially shewing the grate plot aganist all the presbyterians in England, and how the same was hatchin in Scotland also.

Monday, 25 Nov: 1650. Acte ordaining the parliament to meitt to morrow the 26 of this instant, at ten houres; and a herauld ordaind to make publication heirof.

The Comittee of Estaits declaration aganist the vesterne remonstrance, presented by the sub-comittee, read, and after much debait, votted and past.

In the debait of the comittees declaratione, muche debait wes anent the words. scandalous, scandalous paper, and scandalous lybell.

Eglinton wold had called tressonable and scandalous paper and lybell, and brunt publickly by the hand of the hangman.

Carried, scandalous, with the word, conceaued, to goe befor.

Ther was that wold haue reffered all to the Com: of the Curdie, Register, S<sup>r</sup> Ja: Hope, S<sup>r</sup> Rob: Adare, Harden, Thesaurer depute, Busbie, Rob: Locart, Jo: Denholme, Gen: Comissarey.

Preiudiciall and destructive to his Maiesties gouernment, carried only, preiudiciall; destructive delait.

It is werrey diuisiue and holds out the seeds of diuisione, putt to wotte; earried, it holds out the seeds of diuisione of a dangerous consequence.

Exception votted, ther should be, of penners and contriuers of the said remonstrance, and of all suche that did adhere to it after it wæs publicly declared aganist.

Marques of Argyle said, (after he had hard S<sup>r</sup> James Hope say, that all the Comittee of Estaits was doeing wes destructive to King and kingdome,) that S<sup>r</sup> James, in all the earriage of this bussines, from the begining, both in parliament and comittee, wes not only a maine enimey to King and kingdome, bot a maine plotter and contriuer, assister and abaitter of all the mischeiffe that hes befallen the kingdome euer sinee.

It was muche vrged by the dissasenters from the Comittee of Estaits declaratione, to haue all the acte wotted *in cumulo*, after eurey branch had beine particularly wotted; wich was altogider refused.

The Com: of Estaites sent the Marques of Argyle, Kings Aduocat, and James Snord, to the Commissione of the Kirke, with ther declaratione aganist the said remonstrance; and a paper quherin they accused Mr James Guthrie and Mr Patrieke Gillespie as contriuers and abbators of all this diuisione in churehe, arney, and stait.

The Comittee of Estaits sent the Lyone to the Commission of the Kirke, to impart to them the letters that wer intercepted going to England from Owens, Cromwells Secretary.

The Com: of Estaits sent the Kings Aduocat and James Suord to the Comissione of the Kirke, to desyre them to retorne ther sence of the vesterne remonstrance to the parliament, in respeece that the comnittee was to ryse this night, and the parl: to sitt doune to morrow, to quhom lykwayes the said comittee was to communicat that same paper of ther sence of the said vesterne remonstrance; and desyred them that they wold be pleased to ioyne with them to that effecte.

Perth, 28 Nouember 1650.—Ante Meridiem.—The Commissione of the Generall Assembly hauing receauid from the honorable Comittee of Estaits, a paper declaring ther (Lo:) sence vpon a paper giuen in to them, intitulated, (the Humble Remonstrance of the gentlemen, officers and ministers attending the forces in the west,) and desyring

withall that the Commissioners of the Generall Assembly wold giue ther sence vpon the said remonstrance; therfor the commission hauing takin vnto ther consideratione the said remonstrance, doeth find and acknowledge therin to be contened maney sade treuthes, in relation to the sinns charged vpon the King, his family, and the publick iudicatories, wich also wee are resolued to hold out and presse vpon them, in a right and orderly way, togider with such other sinns as wee find by impartiall searche, and the helpe of the Lordes spirit vpon our indewors therin, that they may take with them, and be humbled befor the Lord, in the sence therof; wee doe find it our deutie to show, that in respeece ther seimes to be therin intrinsching vpon some conclusions and determinations of the Generall Assembly; and in respeece of inferences and applications made therin, in relation to the King, his interest, and the exercisses of his pöwer and gouernment; and in regarrd of the ingagements wich, in the elose therof, they declare to be vpon ther hartes befor God, in relation to euidences for remedying the thinges conteind in it, wee are dissatisfied therwith, and that wee thinke it apte to breid diuision in kirke and kingdome, as wee doe finde alredey in parte by experience, and that the enimey hathe takin aduantage therat; and because of the tender respects and loue we owe, and most cordially earrey to the gentrey, officers and our brethreinge of the ministrie, quho haue concurred in the said remonstrance, as being religious and godlie men, and suche as haue alwayes giuen prouffe of ther integritie, faithfulness and constancie in the cause of God, and for interteinment of loue, vnity, and coniunction amongst the people of God, in acting according to ther calling and statione, aganist the publicke enimey; the breache of all wiche Sathan at this tyne is eagerly driuing at, and the enimey is greidily desyring and expecting. Wee doe resoluue to forbear a more particuler examination of the said remonstrance, expecting that at the nixt dyet of this commissione, thesse worthy gentlemen, officers and brethrein will giue suche a declaration and explanation of ther intentions and meining, as may satisfie both kirke and state without aney furdur inquiry or debait thervpon.

*Declaratione by the Kinges Maiestie and Committee of Estaites concerninge the Western Remonstrance, 25 Nouember, 1650.*

The Kings Maiestie and the Committee of Estaites, hauing takin into eonsideratione a paper presented to the said comittee at Stirling, vpon the 22 of October last, in name of the gentlemen, commanders, and ministers attending the westernne forces; and lykwayes ane petitione presented to the said comittee at Perth, vpon the 19 of Nouember instant, desyring ane satisfactorie anssuer therwn-to: Doe heirby deelaire, that they haue alwayes beine, and are still willing, that all faults and miscarriages of aney, als weil in ther personall carriage, as in discharge of ther publieke trust, may be discovered, redressed and punished, according to the lawes of the kingdome; and that they find it ther dewtie to shew ther dislyke of mancy thinges remonstratted and held fourthe in the said paper: Zet being desyrous to follow the wayes of gentleness and lenitie, rather then to looke vpon the said paper with that stricke inquiry, wich otherwayes might haue beine done, they haue resolued only, in generall, to declair as followes; that they find the said paper, as it relattes to the parliament and euill iudicatories, to be scandalous and iniurious to his



Maiesties persone, and preiudiciall to his authoritie; and as it relatets to religione and churche iudicatories, they are to desyre the Commissione of the Churche to giue ther sence therone; and that in regaird of the effecte that it hath alredey produced, and thosse that are lyke to follow thervpone, if not preuented, it holdes fourthie the seed of diuisions of ane dangerous consequence; and that it is dishonorable to the kingdome, in so far as it tends to ane breache of the treattie with his Maiestie at Breda, approuin in parliament and Generall Assembly; that it also strenthens the handes of the enemy, giuing him occasione to iustifie his vniust invasione, and the bloodshed and oppression committed by him in this kingdome, and weakines the hands of maney honest men; and lykwayes that the said paper holds furthe in the closse of it, ane bonde of ane heighe and dangerous consequence; and albeit the said paper has been wickedly and subtilly contriued by some, zet becausse diuersse honest, faithfull, and religious gentlemen, officers, ministers, and others of approuin fidelity and integrity in the cause, of quhom they doe not harbor the leaste thoughte to ther preiudice, haue beine insnared. Therfor the Kinges Maie-tie, and committee forsaid, doe heirby declaire the said persones free frome aney imputatione vpone ther names, ore censure vpone ther persons or estaits; excepting heirfra all suche quho shall adhere to the said remonstrance, be ther persisting in proseeutting of quhat is therin contraire to the lawes of the kingdome. Perth, 25 of Nouember, 1650.

Reed and past be the Kings Maiestie, and Committee of Estaits. *Sic subscribitur*,

W. HENDERSONE, Clk: Dom: Com:

Tuesday, 26 Nouembris. 1 dies parliamenti.—Carolus Rex. &c.—Lord Chaneeler made a speache, shewing the present conditione of the kingdome, both concerning religion, King, and kingdome; the quality of the enemy that hath inwadit ws, and thesse his associatts, being a companey of wicked and perfidious, zea trecherous blasphemers; nixt he spoke of the dewties incumbent to the King; and nixt, of the dewties wiche are requyred of each member of the present parliament; and lastly, of the deutie that wes incumbent by the housse to the kingdome of Scotland, ther natiue cuntry.

His Maiestie made a prettey shorte speiche, shewing of his grate thankfullnes to God for bringing him to this place, &c.; wiche endit, the Lord Chaneeler did declare, at the Kings comand, the tref forme and causes of his deperture from Perth, 4 Octobris, and of his Maiesties penetencey and sorrow for the same.

The King and parl: sends to the Comiss: of the Kirke, to desyre them to stay to giue adwyse in thinges concerning the good of religion, the peace and vnity of the kingdome. 2. That they will apoynt some to meitt with some from the parl: anent his Majesties coronation. 3. That ther may be a fast befor the coronatione, to craue the Lordes blissing to the actione. 4. To desyre them to poynt at the selue-seikes, auarations, greidy and other sinns cryed out vpone in the pulpitts, and remonstrances; as also, they will shew quhat are the crooked wayes, and by quhom wssed in trettey.

The housse ordaines this day or to morrow to haue a conference with the Commissione of the Kirke.

The housse ordaines the Comittee for the Armeie to be the Committee for the Conference, to meitt with the Commissioners of the Generall Assembly.

### *His Maties Speich.*

My Lords and Gentlemen,

It hath pleased Him quho reulethe the nations, and in quhosse handes are hearts of Kinges, by a werey singular providence, to bring me through a grate maney difficulties into this my ancient kingdome, and to this place, quher I may haue your adwyse in the grate matters that concerne the glorey of God, and the esabliment of my throne, and that relat to the generall good and comon happines of thesse three couenanted kingdomes ouer wiche he hath sett me. And treulie I cannot expresse the height of that ioy quherwith he hath filled my soule from this signall experiment of his kyndnesse, nor how stronge and feruent desyres he hath created in me to euidence my thankfulness by standing to rainge for him, and with ane humble and just subordination to him. That wiche increaseth my hope and confidence that he will zet continew to deall graciously with me, is, that he hath moued me to enter in couenant with his people, (a fauor no other King can claime,) and that he is inclyned me to a resolutione, by his assistanee, to liue and dye with my people in defence of it. This is my resolutione, I professe it befor God and you, and in testimoney heirof, I desyre to renew it in your presence; and if it pleis God to lenthun my dayes, I houpe my actions shall demonstrat it. Bot I shall leaue the enlargement of this, and quhat farder I could say, to my Lord Chaneeler, quhom I haue comandit to speike to you at grater lenthe, and lykwayes to informe you of my sense, not only of the folley, bot the sinfulness of my goinge frome this place, and the reasons of it.

Thursday, 28 Nov: 3 dies parliamenti.—Rege presente.—A message from the Com: of the Kirke anent a conference. Ordered to be at 3 in the afternoone in the session housse.

Ordered to be proponed at the conference, as a thing most fitt for the peace of the kingdome, to haue presently a Generall Assembly called.

Friday, 29 Nov: 4 dies parliamenti.—Rege presente.—A report made by the L. Chaneeler to the housse, from the Conference with the Church, anent 2 soleme fasts; one for the contempt of the gospels, and another for the sins of the King, his family, and nobility; and the coronatione to be immediatly thereafter.

Acte ordaining his Maiestie to be crounid at Scone, upon Vedinsday, the first of Januarij nixt; and this acte to be proclaimed at the crosse of Perth, by Lyone K. of Armes.

Saturday, 30 Nov: 5 dies parliamenti.—Rege presente.—7 or 8 from the Com: of the Kirke presented to the King and parliament a remonstrance and petition, containing some admonitions to the nobility anent ther bypast misearriages, as also aganist imploing malignants, contrarey the publicke resolutions of churche and stait; as also aganist the acte of indemnitie, and not naming them rebels and punishing them. That all malignants and ill affected persons be remoued from the courte. That the Kings housse may with speed be effectually purged. That coueteousnesse, auarice, pryde, selue-scikeing, compliance with ennynes, be confessed and repented offe.

A petitione from the ministers of Lothean, Hadington, Lithgow, &c., shewing the pitfull condition of thesse places; how that heresies did begin to grow amongst them, and of ther grate necessities; desyring the Comiss: of the Kirke wold in ther names and behalffe petitione the Kings Maiestie and parlia: for some redresse and speedie helpe.

Nixt the said com: show the parl: that the 2



ministers impeached by them of the Com: of Estaitis, Mr Ja: Guthrie, minister of Stirling, and Mr Patrick Gillespie, minister of Glasgow, the one by word openly, and the other by wreat, haue disclaimed quhat was alledged aganist them, as far contrary to ther intentions.

Then was read, being presented by the com: from the Commissioners of the Generall Assembly, ther sense of the westerne remonstrance, wich was read in the housse.

A petition from the prisonners that are Irish, Scotts, and now prisonners at Newcastle, and wer takin at Dumbar, to the Generall Assembly or ther Comissione, presented by the kirk to the housse, and read.

The housse ordaines the Lord Chancellor to giue these from the Com: of the Kirk thanks, and to shew them that they take it weyre weil, and with all desyre them to condescend in particular vpone perssons and faults, wich in ther remonstrance they named mancy sate treuthes; and this the Lord Chancellor was comandit to intreat them to goe seriously about the same; and did thank them also for ther good correspondence in so neidfull a tyme, and that the housse (being convened for that effecte) wold looke to thesse deutes God had called them heir for, and the countrey expected at ther hands; and that the King and parl: wold returne them ther aussuer in wreatt to ther papers, hauing appoynted a comittec to consider them, wich particularly should receaue ther particular aussuers in dew and conuenient tyme.

Monday, 2d December. 6 dies parliamenti.—Rege presente.—Alcheyes bill, wpone the recommendation of the Com: of the Kirke, to be reponed, (in respecte his accessione to the late vnlawfull ingagement) to acte in defence of his countrey aganist the enimey:—Granted, *nullo contradicente*.

The Com: of Dumbartans bill read, seiking a comissione for putting of some Vitches to execution upon the confessions:—Granted.

Vedinsday, 4 Decembris. 8 dies parliamenti.—Rege presente.—Vpone the Marques Argyles motion, it is ordred, that ane afternoone be sett apairte for aussuering the remonstrance and petition of the kirke, giuen in the 4 day of the parl: and for considering the same.

That a letter be wrettin to the Moderator of the G. Assembly, that he wold call a meitting of the Comissione of the Kirke, aganist Vedinsday eum eight dayes, to meitt at Perth, to giue ther adwyse anent takin in and excluding of persons from defence of ther countrey, approuen; and the housse wretts a letter to the Moderator for that effecte, to be directed from the King and parl: and seigned by the L. President of the parl: as also, that the Moderator wold advertisse all the ministers of the nearest synods and presbeteries to assist with ther presenee; and if they cannot advertisse them to be tynously present, that the doing of it be no retardiment to the commissions meitting at the day desyred.

George, Earle of Linlithgow, is this day admitted to the housse, and his incapability by his accessione to the vnlawfull engagement takin offe; he hauing produced 2 actes in his fauors, one of the Com: of the Kirkes, ane other of the Com: of Estaites.

William, Lord Cranston, vpone his bill and the Com: of the Kirkes recommendation, is lykwayes admitted to the housse, and his incapability takin offe; and he reponed to his former integrity.

Thursday, 5 December, 9 dies parliamenti.—Rege presente.—Wpone thereiding of the Earle of Lauder-

daills bill, the housse, one his humble petitione, repells his acte of banishment.

Mem: This euening, candells being lighted in the housse, a grate stock oule muttit one the tope of the croune, wich, with the suord and scepter, lay one a table ouer aganist the throne.

Friday, 6 Decembris, 10 dies parliamenti.—Rege presente.—A letter from the Moderator of the Generall Assembly, 5 Nouembris, shewing that ther can be no meitting of the Comissione of the Kirke befor ther appoynted tyme, viz. 23 of this month.

After the reiding of this letter, the housse ordred that presently a sharpe letter be wrettin to the Moderator, shewing that they wold keepe Thursday, witherwayes the parl: wold be forced to acte without ther desyred adwyse and concurrence; witherwayes the world might see that they had failed to concurre with the parl: to succor ther countrey in tyme of hir distresse and gratest neid.

Ordered that particular letters be wrettin to all the neir adioyning ministers to keepe the meitting at Perth one Thursday nixt, for releiffe of the distressed countrey, calling for present helpe at ther handes; wich, if they fail, then they must goe one to doe that wich God, ther countrey, and eurey good man requyres at ther hand.

Tuesday, 10 Decembris, 13 dies parliamenti.—Rege presente.—Ordred that the seuerall bodies meitt at 3 in the afternoone, to consider of the remonstrance giuen in by the Commissioners of the General Assemb: and also how farre incapacities that disables men may be takin offe, and men admitted to fight for defence of the countrey aganist the comon enimey; and to treat anent the preuius adwysses concerning England, and for this effecte to haue a conference with the Commissioners of the General Assembly at 9 houres to morrow.

Ordaines thesse that are appoynted to conferre with the Commissioners of the Generall Ass: to advertisse them of the tyme and place of ther meitting.

Fryday, 13 Decembris. 14 dies parliamenti.—Rege presente.—The remonstrance and petition giuen in by the Commissioners of the Generall Assembly to the parliament, with the report from the bodey of the noblemen, and the suplications from Tuedall and Louthean, redde in parliament.

Saterday, the 14 day of December. 15 dies parliamenti.—Rege presente.—The Kings Maiestie and parliament ordaines the Earle of Cassiles, the Lord Clerckington, and John Jeffray, to acquaint the Commissioners of the Generall Assembly, that some course may be takin with suche persons as haue ioynd and complayed with the sectaries.

Remitts to the Committee of Ouertours, with the Kings Maiesties Aduocat, to thinke vpon soume course to be takin with those quho haue, or shall joyne or complay with the sectaries; with pouer to examine witness, and to report ther proceedings to the parliament.

Tuesday, 17 of December. Dies 17 parliamenti.—Rege presente.—The Lord Montgomeries bill, and his brother James, ther bills, one the Com: of the General Assemblies recommendation, declared eapable of publicke employment, and all actes of restraints aganist them repealed.

[30 December.]—It is declared by the King and parliament, that [no] one hes pouer to come out for defence of the countrey, bot suche as are qualified according to the former acte declaratory; the acte of classes standing still in vigor aganist them, more then in defence of ther countrey, and hauing accesse to his Maiesties persone, &c.



Ordred that the Committee for anssuering the Churches Remonstrance confer with the Comissioners of the Generall Assembly, anent his Maiesties othe of coronatione, as also of that of the people.

1650.

*Excerpts from "A Diary of Public Transactions and other Occurrences, chiefly in Scotland, from January 1650, to June 1667, by John Nicoll."*

[February.]—It hes bene schawin befor, in the last yeiris relation of the commonn effaires and observatiouns of that yeir\* how that James Grahame, sumtyme Erle of Montrois, did give out a lairge prented Deelaratioun and paper, quhairwith he echargeth his awin nation with hatching a rebellion in this Kingdome, with promoting the lyke in England, and with the sale and murther of thair awin native King, and robbing his sone of all rycht, and uther horride crymies. To the quhilk Deelaratioun thair wes ane learned exquisite Ansuer inaid by the Committee of the Estaites of the Parliament of Seotland, and by the Commissioneris of the Generall Assemblie, in vindicatioun of thair proceedinges from the aspersion of that scandalous pamphlet; quhilk answer, gevin out by the Kirk and Stait, wes solemplic proelamit and pibleist at the Mercat Croce of Edinburgh, by ane Maisser and sound of many trumpettis. At the publisheing quhair of ane scaffold was erectit, with ane fyre thairon, set up in a chimney, quhairat the commonn hangman of Edinburgh and toun officeris did stand in thair ordiner apperrell nsit at such a bussines; and thair, efter reiding of this ansuer of the Kirk and Stait fullie and at lenth, and eftir sounding of four trumpettis on the Croce, the hangman threw that the said James Grahame his Deelaratioun in the midst of the fyre, set thair on a scaffold upone the eist syde of the Croce, as worthy of no les, being publisheed by that excommunicat traitour James Grahame, under the tytell of A Deelaratioun of James Marques of Montros, &c. This done 9 Feb., 1650. This answer may be read at lenth in prent, gevin out both by the Committee of Estait and Commissioneris of the Generall Assemblie.

The Commissioneris of the Generall Assembly sat heir, in Edinburgh, at this tyme, quhairat Mr Johnne Sterling, minister at Bara, wes chosin minister at Edinburgh, upone the 15th of Februar, anno foirsaid. At that tyme also, Mr Thomas Garven was chosin minister at Edinburgh.

16 Feb. Mr David Dik, by the Commissioneris of the Generall Assemblie wes chosin professor of divinitie in the college of Edinburgh, ane learned man, and a great licht in the Church of Seotland.

17 Feb. Ane act of the Commissioun of the Generall Assemblie wes red in all the churches of Edinburgh, dischargeing promiseuous dānsing.

Much falsset and seheitting at this tyme wes daylie deteetit by the Lordis of Session; for quhilk thair wes daylie hanging, skurging, nailling of luggis, and binding of pepill to the Trone, and booring of tounes; so that it was ane fatall yeir for fals notaris and witnessis, as daylie experience did witnes. And as for adulterie, fornicatioun, ineest, bigamie, and uther uncleanes and filthynes, it did nevir abound moir nor at this tyme.

At this tyme, also, my Lord Lyntoun wes excommunicat and wardit [put in prison] for taking in

marriage the Lord Seytounes relict, dochter to the lait Marques of Huntlie, scho being excommunicat for poprie.

Lykewyse, upone Sondag the 24 Februar, the Erle of Kynnoull, Mr James Stewart, [George] Drummond, sone to the Laird of Balloeh, and Capitane Hall, wer all excommunicat for ineuming to Orkney, and troubling that cuntrey in a hostile maner. Quhair of intimation wes also maid in all the Kirkis of Edinburgh, upone Sondag the tent of Marehe, 1650.

*Eodem die.*—Intimatioun wes lykewyse maid that the Erle of Abircorne wes excommunicat for poprie.

It is to be remeniberit that in the monethis of Marehe and Apryll, 1646, the Dircetorie for Godis Service began. In steid of evening and morning prayeris, the ministeris taking to thair consideratioun that the not reiding and expounding of the Scriptures at the old accustomat tyme of prayer, was the occasioun of much drinking at that seasoun quhen these prayeris and chaptures wer usuallie red, thairfor, and to prevent that sin, it wes concludit, in the begynning of Marehe, 1650, that all the dayis of the week a leetorie sould be red and expoit in Edinburgh be everie minister thair *per vices*; quhilk accordinglie wes put in practize, and so began this holie and hevinlie exercise upone Monday the 18 day of Marehe, 1650.

At the same tyme, for eschewing and down bearing of sin and filthines in Edinburgh, it was actit, that no woman sould vent or rin wyne or aill in the tavernis of Edinburgh, bot allanerlie men servandis and boyes; quhilk Act wes red and publietlie intimat in all the Kirkis of Edinburgh, that all such as had these commoditeis to sell sould prepare men servandis and boyes for that use agane Whitsunday nixt thaireftir following.

Upone the sevint day of Apryle, 1650, thair wes ane solempne Fast throw the hail kingdome of Seotland, as also with our Commissioneris in Holland sent to the Kinges Majestie. The reasones of the fast wes for the synnes of the land, and that it wald pleis the Lord to grant ane happy succes to the Scottis Commissioneris now at a treatie with his Majestie. This fast wes concludit by the Kirk and Stait to be solempne keipit the said day both heir within this kingdome of Seotland, as lykwayis by our Scots Commissioneris now at Breda in Holand, befor thair going af this kingdome.

Ther wer also elkit to the causis of the Fast, the sin of Witchcraft abundant in the land, the incies of Malignantis and Seetareis, that the King may grant the just desyres of Kirk and Kingdome for stedfastnes to this land, and to these quho hes the echarge of the effaires of the land for delyverie of the King from malignant counsells, for strenthening of these that suffer for his cause in England and Yreland, for suppleying the neecessiteis of the pure, and much mor to this purpos, and all uther synnes mentionat in the last fast, solemplic keipit throw the hail Kirkis upone the last Sondag of August, 1649.

It war langsum to writt quhat outeryingis wer now aganes that noble erle James lait Erle of Montrois, and prented deelarationes gevin out aganes him, and proelamationes, both by Parliament, thair Committees, and by the Assemblie of the Kirk.

Such wer the ordores of Parliament and Committee, and prohibitiones of the Kirkes, that nane durst speik in favouris of that nobleman for feir of censure and punisheiment.

[Nicoll then states the case of a man named Bry-

\* The volume containing these is not known to be in existenece.



son, who, when proclamation to the above effect was made at the Cross of Glasgow, "did cry out, and callit him als honest a nobleman as was in this kingdome," upon which the magistrates "was forcit to tak and apprehend him, and careyed him to Edinburgh by ane gaird of the tounes officers, presented him to the Committee of Stait than sitting thair, quha, be thair ordour, wes cassin in to the theves hoill, quhairin he lay in great miserie by the space of many weekis."]

At this tyme, and sindry yeiris befor, many persones wer trublit for not subscriyving the Covenant, and ministeris deposit for the same. Mr Gawin Stewart, minister of Dalmellington not onlie deposit fra his ministrie, bot he debarrit *ab agendo* in all his actiones and causis civil for recovery of his dettis.

Lykewayis James Macaulay, goldsmith, wes not onlie excommunicat for refusing to subscriyve the Covenant, bot lykewayis at his death his corps dischargit to be buryit in the churchyard.

[After giving an account of the defeat of Montrose in his last expedition, on the 27th April this year, which it is unnecessary to insert, Nicoll thus proceeds:—]

It may be justlie said that the prayeris of the faithfull availleth much, for during the tyme that this excommunicat traitour remaned in the North, the faithfull servandis of God wer gevand up thair daylie prayeris for his confusioun, quhilk be this former relation, is manifest to haif bene hard and grantit; quhilk did moir eydentlie appeir thaireftir at this traitouris taking. For within foure dayis eftir this victorie, this bloodie traitour wes takin and apprehendit. Eftir he haid fled to the hillis, and remayned thair in great miserie and famyne, he come to ane hous and familie quhais Maister was callit M'Cloyd, luing for protection at his handis, being ane of his auld acquaintance, and complyer with him in his former plottis and bloodie courses; bot this manis sone, callit Neill M'Cloyd, fearing the danger of the lawis gif he sould conceale him, and heiring of the lairge prommes of money to the reveillaris and apprehendaris of him, he was inducit thairby to seas upone him, and tak him prissoner in his awin hous, and randerit him to the commanderis of this army. All quhich being takin be the moist pairt of this kingdome to be a singular merey, it pleisit the Commissioneris of the Kirk and Generall Assemblie to appoynt a solempne day of thanksgiving throw all this kingdome; quhilk wes obeyit and began heir in Lothiane, and keipit in all the kirkis of Edinburgh and about, upone the fyftene day of May 1650; at quhilk day and tyme, the new Psalme Buikis wer red and ordanit to be sung throw all the kingdome.

[Nicoll then gives an account of the treatment which Montrose received on his arrival as a prisoner at Edinburgh, of his condemnation to death, and of the incidents attending his execution; but his statements being substantially the same with those of Balfour, which are already given, it is unnecessary to repeat them.]

Heir followis, as is reportit, a wicked and ungodlie Declaratioun quhilk James Grahame causit all the ministeris of Orknay and Caithnes to subscriyve and

assent to, except ane Mr William Smith, ane of the ministeris in Cathnes.

"We, the Ministeris of the Presbytereis under subscriyveris, considdering it convenient to us, and these of our calling, to give publick testimonie to the conscientiousnes and justice of his Majesteis service, now presentlie depending, for the gude example of utheris, and removing of quhatsomevir scruple from the myndes of all men, We willinglie frelie, and with candour declair, That we from our soules detest that continued Rebellion, maliciouslie hatched, and wickedlie prosecute, aganes his late sacred Majesty of glorious memorie, and do from our hartis abhor his delyvering over in bondage and imprisonment, horride and execrable murthour, and all uther dampnable and malicious pretensis, execute aganes him be the wicked rebellious factioun of both kingdomes; the quhich we will not fail heireftir to preache to our pepill, and witnes every day of our calling, as als of our lauchfull acknowlegement, prayer and wisches of the happie establishment of his present Majesty unto all his just richtis; and particularlie, that it may pleis God to gif a blessing to his Excellence James Marques of Montrois, Capitane Generall to his Majesty in the kingdom of Scotland. All quhich we will faithfullie stand to and to the advancing thereof, without haiffing the least thocht or pretext in the contrare. So help us God."

[Nicoll then details the banishment of the Earl of Callendar, and a number of other noblemen and gentlemen, for being concerned in the Engagement; the execution of General Hurry, John Spottiswood, Hay of Dalgatie, &c.; the arrival of the King; the great rejoicings, &c.]

It is formarie recordit that, in these preceding yeiris, the prevailing pairteis of Sectareis in Ingland war verrie insolent, quha haid despyed religioun, and laid it in the dust, and haid tollerat many gros errouris, blasphemis, and strange opiniounes in religioun, and haid mantened, allowed, and ventit the same in England, as the lyke hath not bene hard of in former generatiouns. And the Monarchy and the power of Parliamentis wes the autient and long continued government of that Kingdome, yit haif these men usurped above the Parliament, quhois servandis thai war; and, by oppin violence, haif drawn away many, and imprissoned sum of the memberis thair of; and haif not onlie takin away the flous of Lordis, and destroyed the lait King, but also subverted Monarchy itself, and turned the fundatiounes upsyde down; and labour to wreith the yok of thair oppressiounes upone thair bodyes and soules, quhair of that Ingadgement now in England is a publick testimonie.

This pairtie, eftir thai haif actit such thinges in England and Yreland, conceaving that thai can not be establised and eat the fruit of thair awin devyces without contradictioun, als long as the Kirk of Scotland standis in thair way; thairfoir thai threaten us with a warr, drawing thair forces northward, and sending thame in in small pairteis toward the Border, that it may be the les decerned quhat thai do. And gif the Lord sall suffer thame to invaid this land, (as it is to be feared,) that the gangrene of thair errouris may tak hold upone sum ignorant and unstable myndis quho hath not resaved the love of the truth, so we may luik for desolatioun and destructioun; thairfoir, and for many uther grave and wechtie ressones, the Estaites did levie ane army, and put this kingdome in a posture of defence. And the Commissioun of the



Generall Assemblie upone the 25 day of Junij 1650, did emit ane Seasonable Warning concerning the present dangeris and dewteis unto all the memberis of the Kirk.

At the approaching of this Englishe army, many pepill heir in the eist pairtes and south wer overtakin with great feares, till the hail regimentis did convene. Mony also in Edinburgh, Leith, Linlithgow, Falkirk, and uther pairtes about, wer put in great perplexitie, quha removed thair best guidis over to the north syde of Forth.

The ministrie also, in thair severall places, wer not deficient to encourage the pepill, prommising, in Godis name, a victorie over these erronyous and blasphemous pairteis in England, quha, aganes the Covenant and Solempne League, did unjustlie persew this Natioun; and farder, did freelie and franklie outreik ane regiment of hors, for defence of the same, upone thair awin charges and expensses, under the conduct of Colonell Strachane.

Upone the seecond Weddinsday of Julij 1650, the Generall Assemblie met at Edinburgh, being the tent day of Julij, and dissolvit not till the 24 day of the same moneth.

22 Julij 1650, being ane Monday, the Inglish army, under the commandement of Generall Oliver Cromwell, eroded the watter of Tweid and marched in to our Scottis bordouris to and about Aytoun; quhair of present advertisement wes gevin to our Committee of Stait, and thairupone followit ane strict Proclamation that all betuix 60 and 16 sould be in reddines the morne to marehe, both horse and fute. The same day, the fute sodgeris lying heir for the tyme did east ane trinsche fra the fute of the Cannogait to Leith, for halding out of the enymie, that thai sould not pass that way; bot that Edinburgh and Leith sould haif saif correspondence ane with the uther without interruption of the enymie.

23 Julij.—The College of Justice outreikit ane fute company of gallant youtnes, notwithstanding they haid ane troupe of horse on the feildis these twa yeir's bypast.

25 Julij 1650.—The Englishe army lifted fra Aytoun and Halidounhill, without sound of trumpet or touk of drum, at eftir nune that day, and marched down toward Cokburnespaith and Dumbar; thair-eftir to Hadingtoun, and so to Mussilburgh, Figgotburne, Dudingstoun, Colingtoun, Braidis Craiges, haiffing thair trinehes both at Mussilburgh, and alongis to Braid and westwart. And haiffing on sea fyftene sail, they resavit furth thair amunitionn and victuell furth of thair schipis without interruption, both at Dumbar, Mussilburgh, Fischerraw, and uther pairtes thairabout, and eareyed all alongis with thame to thair army with ane convoy of hors and fute.

The Scottis army haiffing, efter few dayis, convenit heir upone the Linx of Leith to the number of fourtie thowsand men and above; the half of thame were sent bak, eftir a long space apoynted for purging of the army, to the discon[ten]tment of much pepill, and of gentillmen volunteeris quha haid frielie eum in to fecht for defence of the kingdome. The Scottis army being thus in purging daylie, upone the Linx of Leith, it pleasit the Kinges Majestie to cum down frome Sterling, quhair he than wes, to the Linx of Leith, upone the Monday the 29 of Julij, 1650, quhair he saluted the army, being all rankit thair in a pleasant posture, to the great joy of the King and contentment of the pepill.

Thaireftir, upone Friday the 2 of August 1650, the King come frome the Leager lying at Leith, to the toun of Edinburgh, ryding with his nobles and

leaff-gaird up throw the Cannogait to the Castell of Edinburgh, quhair he wes saluted with a great number of kannoun schot. Thairfra he come down on fute throw Edinburgh, quhair he was feasted by the toun of Edinburgh in the Parliament Hous the said day; and thaireftir went down to Leith, to ane ludgeing belonging to the Lord Balmerinoch, appoynted for his resait during his abyding at Leith; and thus haiffing remayned a certane space, veiwing the armyes on both sydes, he went over the watter to Dumfermling, and to Falkland, and Pearth, for his recreationn.

The enymie also advanced the lenth of Restalrig, and thair placed thair hail horse in and about the toun of Restalrig, his foote at that place callit Jokis Ludge, and his kannoun at the foote of Salisberrie Hill, within the park dyke; and twelf of his schips advanced to the Raid of Leith, and thrie utheris betuix Edinburgh and Dumbar; and thair, both be sea and land, played with thair kannoun aganes the Scottis Leaguer, lyand in Sant Leornardis Craiges; the Scottis army also schuting at thame: bot small skaith on ither syde.

Penult, Julij 1650.—Thair wes ane commandit pairtie sent out from the Scottis Leagure, quha raneountered with ane pairtie of the Englishe, both of thame being horsmen, and at Restalrig thair skirmished about thrie houres. Quhairat the Scottis behaved thame selfis gallantlie at the first, and killed ane major to the enymie with sindrie utheris of thair commoun trouperis; but thair went out sindry gentillmen and volunteiris, and, throw thair ignorance of militarie effaires, maid great confusioun, so that the Scottis were forced to retein. Quhairupone the enymie tuik thair advantage, and persewed the Scottis hard to the Leagure, and killed and hurt sindrie gentillmen and uther volunteiris, and tuik sum of the Scottis men prisoneris, amongis quhom ane simple sodger, quhois eyes they holkit out of his heid, becaus upone his bak thair wes drawn with quhyte ealk thir wordis, I AM FOR KING CHARLES, stryped him naked of his cloathes, and sent him bak to the Scottis Leagure, as wes reported. The enymie, eftir this skirmische, finding the ground not so fit as he desyred for his Leagure, retein bak his forces, both horse and fute, to the toun of Mussilburgh.

Upone the morne thaireftir, being Weddinsday the last of Julij, 1650, about brek of day, ane commandit pairtie of Scottis, consisting of 300 men, under the eommand of Colonell Robert Montgomerie and Colonell Strachane, went out to raneounter the enymie at Mussilburgh, quhair they behaved thame selfis stoutlie and gallantlie, killed many of the enymie, both commanderis, trouperis, and commoun sodgeris, horse and fute, and tuik sindry prisoneris; yit, in end, thai war foreit to quhyte the prisoneris and retein bak, for the enymie advanced upone thame with fresche horses, and the Scottis, not haiffing a seecond help as had the Englishe, wer in end compellit to returne to thair Leagure; quhairas gif they haid gottin the help of 500 men, they haid totallie routed the enymie. At this retein of the Scottis pairtie, sindry Scottis wer killed; bot many mae to the Englishe, as wes reportit.

Upone the 5 of August, 1650, about midnight, the enymie did lift all thair forces lying in and about Mussilburgh, and marched bak towardis Dumbar. quhair thair schips being than rydand, they resavit from thame fresche viveris and amunitionn in abundanee; and immediatlie thaireftir, within twa or thrie dayis, marched bak to Mussilburgh, and fra thence to Dudingstoun, and alongis to Coling-



toun and about, quhair they did ly sum certane dayis thaireftir.

Sum of our prissoneris takin by the Englishe wer miserable used, tirred naked, and fettirred in yrone cheynes, as wes reportit.

During the lying of thir twa airmeyis in the feildis, all the cornes betuix Berwik, and twa or thrie myles be west Edinburgh, on both sydes, wer destroyed and eaten up. Lykewyse, thair wes such great skairshetie in Edinburgh, that all soirt of viveris, meit and drink, could hardlie be haid for money, and such as wes gottin wes fuisted, and sauld at a double pryce. The haill inhabitantes, lykewyse, of Edinburgh wer forced to contribute and provyde fuid for the army, notwithstanding of this skairshitie; and also to furneis fedder beddis, bouteris, coadis, blankettis, scheittis for the army, and for the hurt sodgeris to ly upone, with pattis and pannis for making reddie thair meat; and to collect money for provyding honest intertenment to the hurt sodgeris that lay in the Hospitall and Paullis Wark.

Upone the 11 day of August, 1650, being ane Saboth day, and a solempne day of fasting and prayer, evin upone that day (according to the Sec-tarians wonted custome,) the enymie cumed bak fra Braides Crages, quhair he wes than lying, and returned to Mussilburgh, and set down his Leagure thair till Tysday thaireftir, and then removed from Mussilburgh and returned bak to Braides Craiges, bringing with him great quantateis of victuell, quhilk he haid takin out of the mylnes, killis, and bernis of Mussilburgh, and uther pairtes thairabout.

The 15 of August, 1650, to the quhilk the Parliament of Scotland wes adjourned, for the Kinges coronatioun, wes of new prorogat and adjourned to the [10] day of September thaireftir, be ressoun of the twa great airmeyis on both sydes, both of thame lying about Edinburgh; and thairfoir the Parliament wes forced to adjorne.

At this tyme, the Commissioneris of the Kirk presentit sum Propositiones to the King to be sub-seryvit, quhilk for a tyme was refused; yit in end condiscendit unto, and sub-seryvit be his Majestie. And, thairfoir, upone his refusall at the first, the Commissioneris of the Kirk wer pleased to emit this Declaratioun following, quhilk wes sent into the Englishe Army, with the Approbatioun thairof following, sub-seryvit be the Committee of Estait. Westkirk, the 13 of August 1650.\*

The enymie being now lying neir to the toun of Edinburgh, and the Toun fearing thair invasioun and assalt, they usit all meanis for thair awin defence; and, for this end, erectit scaffoldis within the haill wallis of the toun, set up thair ensignes thairon, extending to xxxij culloris, mannit the wallis with numberis of men, planted ordinance thairon, demolished the haill houssis in St Marie Wynd, that the enymie sould haif no schelter thair, bot that thai mycht haif frie pas to thair cannoun, quhilk thai haid montit upone the Neddir Bow. The Toun also wes forcit to demolishe and tak down the four prickes bigged on the Neddir Bow, quhilk wes ane verry great ornament thairto, and placed cannoun thairon. The Committee also causit demolishe sindrie houssis at the Patterraw Point and West Point, that the Castell of Edinburgh, and uther pairtes quhair thair cannoun wes stellit, mycht haif sight of the enymie in cais he sould assalt, and greater fredome to assalt him, be taking down of the houssis that wer impedimentis to the sight of the enymie and force of the cannoun.

\* Vide ante, p. 599.

Upone Settirday, the 24 of August, 1650, our army resavit a great disgrace in this manner; to wit, Generall Cromwell and his army haifing past throw this kingdome fra Berwik to the place of Colingtoun, without ony oppositioun maid be ony of the gentillmenis houssis by the way quhair they past, untill they come to the hous of Reidhall, within thrie myles be we-t Edinburgh; in the quhilk hous of Reidhall, the Laird of Reidhall, with thrie-seoir sodgeris, lay with provisioun, and keipit and defendit the hous aganes the Engliches, and gallit his sodgeris, and pat thame bak severall tymes with the los of sindry sodgeris. The Englishe Generall taking this very grevouslie, that such a walk hous sould hald out aganes him and be ane impediment in his way, he and his army lying so neir unto it; thairfoir he causit draw his cannoun to the hous, and thair, fra four houris in the morning till ten in the foirnone that day, he causit the cannoun to play on this hous, encampit a great number of his sodgeris about it, with pik and musket, bot all to lytill purpos; for the Laird and the pepill in the hous defendit valiantlie evir till thair powder failed; and eftir it failed they did not give over, evir luing for help fra ovr awin army, quha wes then lying at Corstorphyn, within thrie quarteris of ane myle to the hous, of quhais help thai war disapoynted. Generall Cromwell perceaving thair powder to be gone, and that no assistance wes gevin thame, he causit pittardis to be broelit to the hous, quhairwith he blew up the dures, enterit the hous at dures and windois, and eftir slaughter on both sydes, (bot much moir to the Engliches then the Scottis,) tuik all that wer in the hous prissoneris, tirred thame naked, seased on all the money and guidis that wer thairin, quhilk wes much, be ressoun that sindry gentillmen about haid put thair guidis thair for saiftie. So this hous and pepill thairin wer takin in the sight and face of our army, quha thoelit it dangerous to hazard thameselfis in such ane expedition, the enymie haifing the advantage of the ground and hillis about him for his defence.

Albeit the Covenant, the Kirk, and Kingdome aucht to be deir and precious in the evis of all trew Scottismen, yet such wes the dispositioun of sum of thame, that thai wer corruptit with Englishe gold, and gaif intelligence of all the proceedingis of our army to Generall Cromwell, quhairby much of our intentiones wer surprised. Sum of thir intelligenceris wer takin and committed to prisoun, and becaus no probatioun could be haid aganes thame, they war liberat upone cautoun. Bot ane of thame being conscious of his awin giltines, strangled himself in the tolbuith of Edinburgh, being wardit thairin; and thaireftir takin out and publictlie exposit to the view of all the pepill at the Trone of Edinburgh and Mereat Croce of the Cannogait, and thair a transportit and hung up on the gallous betuix Leith and Edinburgh, quhair he yit hinges, to the terrour of utheris.

27 August, 1650. The twa airmeyis, both Scottis and Engliches, lyand about Corstorphyn, Gogar, and neir to Mortoun and thairabout, began to play with thair cannoun this day, quhilk indured fra thrie houris in the eftirnone till sex at nycht, at the quhilk xij of our army wer hurt, ane killed and twa horses. Sindrie men wer killed to the enymie also.

Eftir the enymie haid takin the Laird of Reidhall prissoner, he thaireftir pat him to liberty, commending much his valour and activitie for holding out so stoutlie aganes him that hous of Reidhall.

It wer langsum and tedious to writt all circumstances of these thinges that passed betuix the twa airmeis; for the Engliches removed from Colling-



toun, Reidhall, and Niddrie, to Mussilburgh; thair-  
effir to Haddingtoun and Dumbar, resolving to haif  
past into England. Bot the Scottis army follow-  
ing, inclosit thame at Dumbar, resolving to haif  
cuttit thame of, as doutles easelie thair mycht haif  
done; bot our Scottis army being devydit and still  
in purgatioun, removing such as did not pleis the  
leaderis of this Kingdome for the tyme, the Eng-  
lishes taking advantage of this divisoun and purg-  
ing, quhilk lastit mony dayes, and haiffing with  
thame in thair company many Scottismen quha  
favored thair courses, and haif resavit thair gold,  
they prevailed over the Scottis, as heirefter sall be  
declared: for it is certane thair wes great corrup-  
tioun and divisoun and much gold gevin for intel-  
ligence to the enemye.

The Englishe army entered in a parlice with  
the Scottis army both at Corstorphyn and Dum-  
bar, and did offer great and lairge offeris gif we  
sould suffer him to returne to England without far-  
der molestatioun. Bot our army refusand, he, up-  
one a Monday the second day of September, anno  
1650, put himself in ordour, and that night being a  
drakie nycht, full of wind and weit, quhairin our  
Scottis army wer carles and seeure, and expecting  
no assalt, be ressoun of the frequent parlees and  
offeris maid by the Englishe, he tymouslie, upone  
the morne thair-efir, be brek of day, being Tysday  
the third of September, 1650, invaidit our army, all  
of thame being at rest, and thair horses, and slew of  
our army about — thow-and men, tuik and  
apprehendit many thowsand prissoneris, hurt and  
woundit many thowsands; seatterit all the rest of  
our army, quha for feir fled to Edinburgh and  
uther pairtes of the countrey.

The Scottis army being thus routit and put to  
flight, the Inglishes war resolvit to content thame-  
selfis with the victorie, and to returne to England.  
Bot the Generall Cromwell being informed that  
Edinburgh and Leith wer left desolat, and the inha-  
bitantes thair of fled, and that nather the army nor  
the cuntrie and kingdome war to defend it, the  
Englishe Generall held a counsell of warr at Dum-  
bar, and being thus informed of the hard conditioun  
of these twa tounes, he with his forces come into  
Edinburgh and Leith upone the Settirday eftir the  
feght at Dumbar, being the sevint day of September,  
planted his garisouns thairintill, and commaudit and  
reullit at his pleasure; these tounes being all of  
thame weil fortifeyed and provydit to thair handis.

To speik or writt of the opiniounes of many  
twiching the tinsell of this battell, it wer tedious,  
for the opiniouns of sum persones wer, that in the  
Scottis army thair wer mony independantis and  
sectareis, quho haif too much relatioun and corre-  
spondence with Generall Cromwell; sum utheris  
wer in the opinioun that the Englishe gold did  
corrupt many. These wer the opiniounes of many,  
bot certane it wes that, befor this army wes routtit,  
thair wes much bussiness maid anent the purging  
of the Scottis army of malignantis be the space of  
many dayis; evin than quhen the Englishe army  
mycht haif bene easelie routtit, and quhen thair  
souldieris fled in to the Scottis for feir, and quhen  
honorable conditiounes and lairge offeris wer maid  
to the Scottis army to suffer thame to depairt and  
to leave the Kingdome; yea, evin the nycht befor  
the feght, our Scottis leaderis wer in purging the  
Scottis army, as gif thair had bene no danger.  
For at this tyme the Scottis army thoct that the  
Englishe army wer thair prissoneris, be ressoun  
of the double number of the Scottis above the Eng-  
lishes, and that the Inglishes wer than in capi-  
tulatioun with the Scottis to give thame lairge

moneyis and uther conditiounes, to suffer thame  
depairt this Kingdome.

Oh, what can be sufficientlie writtin of these  
thinges; for thir troubles daylie increst, be ressoun  
of the divisounes of this Kingdome quhilk daylie  
increst; Sum of the commanderis dispysing honest  
men, quhome thair termed Malignantis; these Malign-  
antis (as they call thame) being willing to ryse  
for defence of the nation, bot wer rejected:  
Utheris, in the west pairtes of this Kingdome, draw-  
ing togidder, and takand up a great partie of men,  
be way of associatioun and refusing to joyne in  
the publict service. And quhen the Scottis army  
mycht haif easelie routtit the Inglishes, and sindry  
notable occasiounes offered to invaid thame, yit  
the commanderis of the army still delayit, till it  
pleased God to delyver thame all in the handis of  
thair enemyes.

Thus the Englisches haiffing obtenit the victorie,  
and haiffing fortifeyed both Edinburgh and Leith,  
and placeing garisones thairintill, the Generall and  
Commanderis of the Englishe army gaif out this  
Proclamatioun following:—

“QUHAIRAS it hath pleased God, by his gracious  
providence and guidnes, to put the eitie of Edin-  
burgh and toun of Leith under my power, and al-  
though I haif put furth several Proclamatiounes  
since my cumming into this countrie to the lyke  
effect with this present; yit for farder satisfactioun  
to all these quhome it may concerne, I do heirby  
agane publishe and declair, that all inhabitantes  
of the cuntrie, not now being, or continuing in  
airmes, sall have full and frie leave and libertie, to  
cum to the army, and to the eitie and toun afoir-  
said, with thair eattell, corne, horses, and uther  
commoditeis and guidis quhatsoever; and sall haif  
thair frie and oppin mercattis for the same, and salbe  
protected in thair persones and guidis, in thair  
euming and returning, as is afoirsaid, from ony  
injurie or violence of the souldiarie under my  
command, as also salbe protected in thair respective  
houssis, and the eitizens and inhabitantes of the  
said eitie and toun sall and herby lykewyse haif  
frie libertie to vend and sell thair waires and com-  
moditeis, and sall be protected from the plunder  
and violence of the souldieris. And I do heirby  
requyre all officeris and souldieris of the army  
under my command to tak dew notice heirof, and  
to yeild obedience heirt to as thair will answer to  
the contrarie at thair outmost perrel. Gevin under  
my hand at Edinburgh, the sevint day of Septem-  
ber 1650.

“O. CROMWELL.

“To be proclaimed at Edinburgh and Leith be  
sound of trumpet and beat of drum.”

Eftir this, the Inglishe army marched throw  
Lynlithgow and Falkirk, and went in full body to  
Sterling, upone Tysday, the 17 of September 1650;  
quhair thair, not being able to assalt the toun for feir  
of the Castell, and of moir nor thrie thowsand fute  
lying within the toun, quhilk wes stronglie fortifeyed  
and deiply trinsched, they, eftir two dayis lying about  
the toun, returned bak agane to Lynlithgow, and  
from thence to Edinburgh, quhair they established  
ordouris, and set down actis and ordinances at thair  
plesour.

Quhill these thinges war in doing by the Eng-  
lishe army, thair wes lytill eair tane to oppose  
thame: bot faith and curage failled the Scottis uni-  
versalie throw the land; divisounes, haitrent, and  
malice still increst throw the Kingdome. Collonellis  
Ker and Strachane withdrew thameselfis fra the  
Scotis generall, Generall Leslie, and David Leslie  
his lieutenant; left thair ordouris, refused to serve  
under thair command; and not thairwith content,



went to the west euntrie, sike as Glasgow, Paislay, Ranfrew, Irwing, Air, Lanerk, Hammiltoun, quhair thair wes ane Associationn concludit and drawn up among the Westland schyres, and quhair thair and thair followeris keipit thair randevou, quarterit thair men and hors upone the west pairtes of the land, compellit the gentell men, burgesses and vee-men to furneis and rander thair horsses for thair service, exacted great sommes of money for thair outreikis; and yit thair did lytill or no service, bot trouping up and down throw the euntrie a lang space, even fra the fecht at Dunbar to the end of November or thairby.

In the meantyme, Generall Oliver Cromwell, cheiff commander of the Inglishche army, come from Edinburgh to Lynlithgow, Falkirk, and Kilsyth, and thairefter come with his hail army to Glasgow, upone Fryday, the xi day of October, 1650; at quhais incomming the maist pairt of the inhabitantes left the toun, and fled to sundry pairtes of the euntrie for seheltering thameselvis, not so much for feir of the enymie, for thair eariage wes indifferentlie gnid, bot becaus thair feared to be brandit with the name of complyeris with seccarianes, as befor thair wer censured and punisht for remayning in the toun the tyme of James Grahame his incomming, and brocht upone thameselvis the name and style of Malignantes, deysit aganes thame, be thair awn nyghtboures, quha haitted thame, and socht thair places and offices.

At this tyme, Godis anger wes manifest, and his hett displeour aganes the inhabitantes of this land, for the cornes of the feild war not onlie destroyed by this forraie enymie, and by the Scottis armyes at home, quha rampit and raget throw the land, citting and destroying quhairever they went, bot also the Lord from the hevines destroyed much of the rest be stormes and tempestis of weit and wind.

Divisionnes still increst in Kirk and Kingdome, for the Ministrie gave out thair Deelaratiounes both aganes the King and the Commissioneris sent to him to Gairsey and Holland. . . . By thir Deelaratiounes of the Ministrie the subjectis of the land wer moved to ceass, and not to lift up armes and go aganes the common enymie, and name declared capable to persew that enymie bot onlie Colonellis Straehane and Ker, quho wer esteemed to be for the Kirk and the Kirkis army; albeit it did not prove so sucesfull in the end as heirefter it fell out.

The Kingdome being thus in a moist pitifull and deplorabill condition and sad estait, name to ryse aganes the enymie, nor to defend the Kingdome, severall meetingis wer appoynted by the Estait to meet and to consult on the effaires of the land; sum tynes at Sterling, uther tynes at Perth, quhair dyveris dyettis of Parliament, Committee and Commissioneris for the Kirk met and wer holdin, and for crowning of the King; bot all wes to small purpos, the divisionnes both of Stait and Kirk increasing, to the great advantage of the enymie, quha esteemed these inward divisionnes of this land to be worth to him and moir profitable then twenty thowsand men.

I thought guid to remember heir how that the names of Protestant and Papist wer not now in use, nor hes bene thir sundrie yeiris past, bot suppressed: and, in place thair of, rais up the name of Covenanteris, Anti-Covenanteris, Croce-Covenanteris, Puritanes, Babarteres, Roun-headis, Auld-hornes, New-hornes, Croce-Petitioneris, Brownistes, Separistes, Malignantis, Sectareis, Royalistes, Quakeris, Anabaptistes.

Lykewyse the Commission of the Kirk, beiring a great splene aganes all these quha war of the Malignant faction, (as they did call it), they, be thair Deelaratiounes and Commissioneris at Committee and Parliament, maid these forces under the charge and command of David Leslie to ryse aganes these under the charge and command of Lievtenant Major Middletoun, to subdew thame, and croce thair rysing for the King.

So, to end this yeir of God, 1650, this Kingdome wes for the moist pairt spoyled and overrun with the enymie, evin from Berwik to the toun of Air, thair being Inglishche garisounes in all quarteris of these boundis; the land murning, languiseling and fading, and left desolat, every pairt thair of schut up, and no saif going out nor coming in, and many treacherous dealeris did deale verie treacherouslie, the Lord hyding his face all this tyme for the synnes of Scotland.

1650.

*Excerpts from the Chronicle of Fife; being the Diary of John Lambont of Newton.*

Jan. 13.—Robert Maitlande, the Laird of Lundie, in Fife, meadde his repentance (in his owne seatte) for having hand in the leate engagement against Englands. Mr. Ja. Magill, minister of Largo, did receive him, and presentlie, after the covenant being reade, he did swear the same, and, in the afternone, did subscribe it before the session. —The day before, he did subscribe the peaper emitted by the Gener. Assemb.

1649.—A litell before this, the Earle of Kelly made satisfactioun in this manner, in Peiten-Weyme, and was received by Mr George Hamilton, m. of Newburne, and afteruarde his owne minister.

1650. Feb.—Ther was sundrie persons in Edenbroughe that had ther eares nayled to the Trone, for bearing false witness, and one that had his tounge pierced with a hott yron. About the same tyme, ther was one scourged by the hangman, for having 7 weemen at one tyme with ehield.

Mar. 31.—At the church of Largo ther was read a declaration of the Commiss. of the Gener. Assemb. answering a declaration leathie published, under the name of James Ghrane, sometyme E. of Montrose. Also, the forsaidd day, ther was a publicke fast intimate to be kept throughe out the whole kingdome, the folowing Lords day. The maine cause of this fast appointed (besides these of former fasts) was, that our commissioners gone to the king (before spoken of) might have a gracious acceptatione, and ther iust desirs granted.

Apr. 27, being Satterday.—James Grahames forces (sometyme E. of Montrose), being in the north parts of this kingdome, werre defeate by L. Ge. Da. Leslie, his folowers.

May 21.—James Grahame (sometyme Earle of Montrose), was execute at the crosse of Edenbroughe.

A newe translation of the Psalms of David, in metre, first corrected by the Assemblie of Divines, in Englands, bot afteruarde revised by the Gener. Assemb. of this kingdome and their comissioners, was apointed to be practised in all the kirks of the kingdome; the former discharged. This translation is more neare the original Hebrew than the former, as also, the whole psalmes are translated to comon tunes, (wheras, in the former, ther werre many proper tunes); ther be proper tunes also in this translation, bot, with all, ther is adjoynd



comon tunes with them. This translation was practised, the 2 of June 1650, at Largo church, in the presbetrie of St Androus, as also through out the rest of that presbetry, and appointed, with all diligence, to be put in practise through the rest of the presbtreys of the kingdome.

July 7.—Ther was a fast apointed by the Comiss. of the Gener. Assemb. to be keiped through out all the kirkes of the kingdome; the maine causes werre the great securitie of the land, the threatning of the sectarian armie of England to invade this kingdome, the abounding of soerie, and that the Lord wald countenance the folowing Gener. Assemb. etc. This fast was keiped by Mr Ja. Magill, att Largo, the forsaid 7 day of July. This day intimation was made of the excommunication of one Jhone Enster, a shiper in Enster, for his obstinacie in malignancie. As also of one Mr Hollande, ane English man, wha gave him selfe foorth to be a phesitian, he being onlie ane imposter and deceaver, that the people might not have any dealing with him in the meater of physicke.

July 10.—The Generall Assemblie of this kingd. satte att Edenbrough, where Mr Andro Cant, minister of Aberdeine, was moderator. Att this meiting ther werre severall nobelmen that werre accessorie to the late unlawfull engagement, that werre desirous to be received, as the E. of Crafoorde, wha was received in the Abey kirke, and appeared to be verie penitent. The E. of Laderdaile was referred to the comission of the kirke. Duke Hamilton's petition was rejected; the E. of Marshall (whose lady, a litell before this, departed out of this life,) the E. of Arroll, and sundrie others. The most pairt of the ministers of Orkenay were deposed, and appointed to be excommunicate, because they had subscribed a papper of the forsaid Montrosse.\* A number of the ministers of Caithnes werre deposed in likemanner, for conniving at his wayes. L. G. Cromuell, that commanded the English armie, sent a declaratione to this kingdome, declaring the causes why he was comeing downe to invade this kingdome; and another from the pretended parliament of England;—both which werre excellentlie answered, both by church and state, and the Assemb. answers appointed to be read in the severall kirks of this kingdome. The K. Majestie sent a letter to this Assemblie; ther was three ministers appointed to attend his Majestic: as Mr Robert Blaire, m. of St Androus, Mr George Hutcheson, and Mr James Durhame. Ther was a fast appointed (because the forsaid Englishis had invaded this kingdome), to be keiped through the whole kingdom. This meiting rose the 24 of the said instant. The said Mr Rob. Blaire was desired to come to Glasgowe, (in the rounne of D. Strange, who was deposed for some erroneus opinions), bot it was refused. A litell before this Assemb. Mr David Dicke, m. of Glasgowe, was transported by the Com. of the Gener. Ass. to Edenbrough, to be professor ther. He did succedd to D. Sharpe. . . . Mr Ja. Sharpe was transported from Crayll to Edenbrough, and Mr Jhone Heart from Dynimowe to Dunkell, both out of St And. presb.—A visitatione for Fyfe to sit in Sept.

Oct.—This moneth the malignant pairtie of this kingd. did ryse in armes in the north; they emitted a declaratione. The comission of the Gener. Ass. emitted a warning, deated at Sterling, 24 Oct. 1650, against them, to be read in the severall churches. L. G. Da. Lesley was sent north with some horsemen against them.

Oct.—This moneth the westecountrey men joined them selfs in a body (with L. Coll. Ker, Strachan, and some miuisters,) and sent in a Remonstrance to the estaits,\* declairing all the escaps of the Kings Maj.; condemning the treatie with him; accusing many of the comitt. of estaits of covetousnes and oppression; speaking against the chife leaders of the armie; and opposing the invasion of England, or enforcing a king upon that kingdome. Ther forces werre scattered at Hamilton, by a pairtie of the English men, under the conduct of Lambert, on the 1 of Decemb. being Sunday, 1650. Sundry of them were killed, and Coll. Ker, one of ther chife leaders, wounded and taken.

Nov.—Ther was a meiting, both of state and church, at St Jhonstone, at which tyme they both declaired against that remonstrance of the men of the west contrey (before spoken of), shewing that it was divisive, contrare to the covenant, and acts of the Generall Assemblie; debaring all that adhered to that said remonstrance from sitting and voyceing in the publicke judicatories, ether of state or church. Upon this, sundrie ministers of the north countrey protested against the declaratione of the church, and foure ministers in Fyfe adhered to ther protestation, one in every presbetry, vizt, Mr Sa. Rutherford, in St Androus presb.; Mr Ja. Wedderburne, in C. presb.; Mr Alex. Moncrieffe, in K. p.; and Mr Will. Oliphant, in D. presb.

Mr David Calderwood, a minister in Louthian, departed out of this life.

Dec. 22.—The fast, apointed by the comission of the kirke to be keiped through the kingdome before the coronatione, was keiped att Largo the forsaid day, by Mr Ja. Magill; his lecture, Rev. 3, from v. 14 to the end of the chapt. his text Rev. 2. 4, 5. Upon the Thursday folowing, the 26 of this instant, the fast was keiped in likemanner; his lecture 2 Chro. 29. to v. 12; his text 2 Chron. 12. 22. The causes of the first day (not read) was, the great contempt of the gospel, holden forth in its branches. Of the second day (which were read), the sinns of the King, and of his father's house, where sundry offences of K. James the 6 were acknowledged, and of K. Charles the 1, and of K. Ch. the 2, nowe king. This second day the E. of Laderdaile gave satisfacione (at the k. of Largo), for haveing hand in the late unlawfull engagement against England, where, 1. he aeknowledged the sinfulness and unlafulnes of that course; 2. his sorowe and remorse for haveing accession therto; 3. his resolutione, for the time to come, to be warre of such courses. After this, Mr Ja. Magill did reid the solemn league and covenant, and he held up his hand and did sweare to the same. So the k. session gave him a papper, subscribed by the minist. and clerk, testifying that they were weill satisfied with his repentance.

1649-50.

*Excerpts from The Waters of Sihor, or the Lands Defectione; By James Guthrie.†*

[Propositions laid down and contended for by Guthrie, in page 19.]

1. All judicatories and Armyes, and all places of

\* Vide ante, p. 604.

† "The Waters of Sihor, or the Lands Defec-

\* Vide ante, p. 613.



power and trust amongst the Lords covenanted people in Scotland, should consist of, and be filled with, men of known good affectione to the work and people of God, and of a blameles Christian conversatione.

2. All known malignant, and prophane scandalous persons, ought to be exeluded from power and trust amongst those, and to be purged out from the Judicatories and Armyes.

3. The making of Associations in counsell and in forces with the Malignant party, or these who walk in known wickednes, and in enmity and oppositione to the work and people of God, is to these unlawfull, and ought to be avoided by them.

4. Malignant and wicked men who have been engaged in such enmity and oppositione, or given to prophanity, and have there upon been debarred from the Covenant or Communion, or secluded or removed from power and trust, ought not to be admitted into these till after tryall they shall be found in their ordinary conversatione to give reall testimony of their dislike of their former evill courses and wayes, and of their sorrow for their aecessione to the same, and to live soberly, righteously, and godly.

[Page 21.]

In the year 1648, when the parliament were on debates of a ingadgment in War against England, the Comissione of the Kirk, (being there homologated by the Supplications of most of all the Presbyteries and Synods in Scotland,) as they did desire the parliment "that the grounds and causes of undertaking a war might be cleared to be so just, as that all the weel affected might be satisfied in the lawfulness and necessity of the Ingagment, with sundry other things to that purpose; so did they also desire, that if the Popish, Prelaticall, and Malignant party should again rise in arms in this natione, that their armyes might be so farr from joyning and assoeiating with them, that, one the contrary, they should oppose and endeavour to suppress them, as eneuies to the Cause and Covenant on the one hand, as weel as Seetaries on the other; and that, for securing of religion, and all other ends of the Covenant, such persons only might be entrusted to be of Comitees and Armyes as hes given constant proof of their integrity and faithfulness in this cause, and against whom there is no just cause of exeptione or jealousye."

And when the parliament, without satisfacione to these desires, did resolve and enact an ingagment in war against the kingdome of England, the Gener: Assembly did condescend upon and issue a Declaratione concerning the sinfulness of that war as upon many other grounds, so also upon assoeiating with, and employing and entrusting of Malig-

tion; founded on y<sup>e</sup> late Publick Resolutiones of the Comissione of the General Assembly, and of the Parliment at Perth, 1651, concerning the Employing and Intrusting of the Malignant party in the Army and in the Judicatories, discovered and demonstrated," 341 pages MS. in Advocate's Library.—Wodrow MS., vol. xvii.—Rob. iii., 2.15. Such is the title of a work by James Guthrie, one of the leading Protestors, who made a great figure in the transactions of these times, and who was executed after the restoration of Charles II. We are not aware that this work has ever been printed, and think it right to give some specimens of the principles and practiees of the Protestors, as exhibited in the writings of one of their most conspicuous leaders.

nants in the Army and in Comitees. The Assemblys words be these:—"Suppose the ends of this Engagment were lawfull, q<sup>ch</sup> they are not," &c.\*

[After referenees to the Solemn Confession, &c., and Engagement to Duties after the defeat of the Engagement, the author proceeds, page 24:—]

At the same time, the Comiss: of the Gen: Assembly did make ane Aet for debaring of persons accessory to the late Unlawfull Ingagment in War against England from renewing the Covenant, receiving the Communion, and from exereise of ecclesiasticke office; and the Parliment meeting a litle thereafter, did make two Acts, one for purging the Armyes and Judicatories from corrupt and malignant men who were in trust; another for keeping of them pure for the time to come; and the Gen: Assembly, q<sup>ch</sup> sate in Ed<sup>r</sup> in the year 1649, did innaet that none of these persons who were exeluded from the Covenant and Communion should be admitted and received thereto but such as, after exact tryall, did in their ordinary conversatione give reall testimony of their dislike of the courses and wayes of Malignants, and of their sorrow for their aecessione to the same, and to live soberly, righteously, and godly. These Acts of Kirk and State, I shall hear set down, at least so much of them as contributes for the further clearing and proving of our present purpose; to witt, that the propositions formerly mentioned were received, and owned, and engaged unto by the kirk and kingdome of Scotland, . . . "as treuths necessary for preserving and promoving of Religion and Righteousnes."

[In the 5th chapter, Guthrie goes on to argue, that these several Acts of the Commission and Estates, after the Engagement was defeated, were legal and binding on Kirk and Kingdom, because the Confession of Sins, &c., was made in October, 1648, throughout all eongregations and whole body of the people, *except those who were exeluded*; but he does not shew that either the Commission of Assembly or the Estates, subsequent to that time, were legal Assemblies, or had any lawful authority to pass such ordinancees.—Page 39.]

The Comissione of the Gen: Assem: meeting at Ed<sup>r</sup> about the time of the marching of the English Army to invade this land—to wit, June 25, 1650—did emitt a Warning concerning dangers and denties, in which are these passages:—"Its far from our meaning that any who are tainted with malignaney and disaffectione to the work of God should be allowed or permitted to assoeiare or joyn themselves together by pairtyes in Armyes. much less doe we mean y<sup>t</sup> we should asoociate or joyne with them, or that they should be employed, or made use of, or countenanced, or permitted to be in our armyes. The Lord hath so far cleared his mind, both by his words and works, against these that they are very blind who are not convinced therein; and we have made so soleinne publick confession of this sin that relates unto Malignants, and so solemnly ingadged our selves against the same, that they among us who should again hazard upon it should seem to be desperatly perverse. It

\* Vide ante, p. 501.



were not only to give great ground of encouragement to the Sectaries, before whom Malignants have so often fled and fallen, but to discourage the hearts, and weaken the hands of men of integrity and godliness, who could hardly expect a blessing in the fellowship of such; yea, it were from the words of their own former confession and ingadgment unto duties, to proclaim a judgment against the land till it were consumed without remedy. We are therefore bold, in the Lords name, to warn the honourable Estates of Parliament, and all whom it concerns in the land, that they may be far from such a thing, and that they may take care, in their respective places and stations, to purge judicatories and committees of all scandalous and disaffected men, and speedily goe about the removing and purging out from the army all men of a scandalous conversation, and of a questionable integrity and affection in the cause of God, and that they imploy none but such as are of a blameless conversation, and of approved integrity in the Lords work. It shall be a shame for any in this land to be so faithless and unbelieving, as, because of the scarcenes of men, to make use of others who are not thus qualified. The Lord hath not only spoken it in his word, and verified it in his works in the dayes of old, but hath let us see it with our own eyes, that it is all one w<sup>th</sup> him to save with few as with many, and that a few whom God will countenance are more worth than many against whom he hath a controversy."

Again, in the same Warning:—"Albeit we be diligently to take heed of the danger that threatnes from Sectaries, and faithfully to bestir ourselves in our places and stationes in the use of all lawfull and necessary means for preventing of the same, yet are we not to forget, but also with the same diligence and care, to take heed of these dangers and snares that threatnes the work and people of God from Malignants. Malignancy, though a very evill weed, yet is not pluckt up, but continous to be one of the reigning sins of this land, the snare wherewith loose hearts, who cannot endure Christs yeeke, are most readily taken. Hence it is that there be many of that stamp in all y<sup>e</sup> three kingdoms, who, drawing encouragement to themselves from the influence they have upon the Kings Counsell, and hardning themselves in their way by the proceedings of Sectaries, doe still follow their former designs, and wait for their day, and would rejoyce in the ruine or halting of these who adhere to the Covenant; and experience proves, that many of these who have seemed to repent of and abandon that way, yet doe not really shake of that sinn that hings so fast on, but, upon new tentations, fall again upon the same wickednes, and prove worse then before, which may be a cautione to us not suddenly to trust them. We make no doubt but Malignants will, by all means, endeavour that there may be roome left for them to undermin the work and people of God, and ingadge the kingdom in a new war, upon terms of their devising, destructive to Religion and y<sup>e</sup> Covenant."

The Gen: Assembly it self at Edinburgh, in July thereafter, did, upon the 19 of that moneth, publish a Declaration, in which they give warning concerning Malignants thus:—"We exhort all these who are in publick trust, in y<sup>e</sup> Committee of Estates, or otherwise, not only to take good heed of their private walking, that it be suitable to the Gospel of Jesus Christ, and of their families and followers, that they bee void of offence, but also be straight in the cause and Covenant, and not to seek themselves, nor befriend any who have been enemies to

the Lords work, self seeking, and conniving at, and complying with, and pleading for Malignants, having been publick sins that have been often complained of; and we wish to God y<sup>r</sup> were no cause to complain of these things still, notwithstanding of the solemn Confession of them, and ingadging against them. God forbid that any mocke the Lord. He is a severe avenger of all such things; and there is the more reason at this time not to own Malignants, because it is ordinary with men so to be taken with the sense of the dangers q<sup>ch</sup> is before them, as not to look back to that which is behind them. There may be inclinations in some to employ these men, and make use of them, that we may be strengthened in this and in our neighbour land; but God hath hitherto eursed all such counsels, and blasted such resolutions; and if we shall again fall into this sin, as our guilt shall be so much the greater by reasons of many promises and ingadgments to the contrair, so may we expect a heavier judgment from the Lord upon it. Let us keep the Lords way, and, though we be few and weake, the Lord shall be with us, and make us to prosper and prevail. They are not fit for the work of God, and for the glorious dispensations of his more than ordinary works of power and providence in these times, who cannot beleive nor act any thing beyond what sense and reason can make clear unto them from the beginning unto y<sup>e</sup> end of their undertakings. Former experiences and present straits call upon us that we should act and follow our dentie in such a way as may magnify the Lord, and make it known to others that we may live by Faith."

About the same time, the Committee of Estates in their Declaration, in answer to the English Declaration concerning their Invasion, speak thus:—"If wee shall keep Malignancy out of our quarrel and Malignant instruments out of our counsels and forces, and our selves free from every thing which may provoke the Lord, and doe every deutie q<sup>ch</sup> may ingadge him for us, the case of the Ammonites against Jephtah and Israel, the case of Jeroboam against Abijah, the case of Amaziah against Joab, the case of Zenachrib against Hezekiah, the case of Moab against Jehosaphat, and the judgment which came upon the invaders, speake terror to our adversaries y<sup>t</sup> come against us, and comfort to the necessary defenders."

Immediately after the defeat at Dumbar, Causes of Humiliation and Fast were cendescended upon at Sterline, to be kept through the whole land.\*

[Page 42.]

A litle tharcafter, to wit, Septemb: 12, 1650, the Comissioners of the Gen: Assem: did write to the severall Presbytries in the land; in q<sup>ch</sup> letter they doe relate to these causes, and, in speeiall, doe recomend to them, "that they would earefully and instantly warne their people ag<sup>st</sup> snares, and not to be dismayed, but sanctifie the Lord God in their hearts, that he may be their fear and their dread, soe that they doe not for their safty choose the course of flesh and blood, tending either to compliance with Sectaries, one the one hand, or Malignants, one the other hand, but y<sup>t</sup> the work of God may be carried on, and his people may follow and adhere unto it in their stations, according to the Covenants and former grounds and principles. We conceive (say they) that these who fear the Lord and make conscienc of duety, and desire to be faithfull, will be so far from slacking their hands in their duty and in a straight way of pursuance

\* Vide ante, p. 600.



thereof for any thing that hath befallen now, that they will rather looke upon themselves as called and obliged to their duties in a more speciall way of strictnes and watchfulnes than formerly; and that the present difficulties and dangers of the time be not abused for flattering of men in any way that may tend to turning aside to crooked courses."

With this letter they sent a short Declaratione and Warning, to be read in all the congregations of the Kirk of Scotl.\*

Upon the 24 of Octob: [1650] the Comission upon occasion of the rising of many of the Malignants in the North, in a tumultuous and rebellious way, did emit another Warning, in q<sup>ch</sup>, (after the laying open of these mens gross mis-carriages, and their breaking of all bonds, promises, and oaths,) they doe give warning against compli-ance with them in these words:—"It shall be wisdom to these that are in authority to walk with Malignants according to the rule of the word of God and the bond of the Covenant, to take good heed of trusting and taking in of such that have been opposit to the work of God, so many experiences teaching the unsoundnes of the most of these from year to year."

In the moneth of Octob: thereafter, or thereabouts, the King (being then at Pearth) did, by the suggestion of some, write two Letters, one to the Committee of Estates, another to the Commiss: of the Gen: Assem: both q<sup>ch</sup> were then sitting at Stirling, in q<sup>ch</sup> he did directly propound it to their consideratione, and ask their judgment concerning y<sup>e</sup> employing of these men who were y<sup>n</sup> excluded from power and trust, and in his letter did propound the consideratione of the lands necessity, and of the advantages that would aecess by intrusting of them; yet the Comitée of Estates, (according to my informatione,) and sure I am the Commiss: of the Kirk did return a negative answer to him in this particular, declaring that it would be both dangerous and scandalous to make use of these men.

In the end of Novemb: the Commiss: did give in to the Parliamt at Pearth, a Remonstrance concerning the search of their guiltines in the matter of the treaty in the Act of Indemnitie given to the rebels in the north, who had risen in arms after the defeat at Dumbar, in neglecting to purge the Kings family and in their personall earriage. In which Remonst: I find these two passages:—

1. "As we humbly desire your Lo: to be exceedingly watchfull over your hearts, and to beware of harburing any prejudices or relenting in your affections to the Godly in the land, whom God hes honoured to be instrumentall in his work, so to searche if there hes been at this time among you any purpose or resolutione tending to a sinfull compli-ance with the enemies of the cause of God; and what upon serious search shall be found of this to ly low before the Lord for it; and withall to guard for the future against all inclinatione of making use of any scandalous, malignant, and disaffected persons for publiek trust, or for admitting any to employment in your counsels or armys, except in the way agreed upon by the Publiek Résolutiones of Kirk and State."

The Publiek Résolutions here meant were not these against which this dispute runs, for these were not then in being, but the Résolutions contained in the Solemne Ingadgment unto Deuties.

2. "The great foreflowing of that so important a busines, the purging of the Kings family notwith-

standing the many addressses we have had to your Lo: thereunto, as we desire it to be looked upon as no small guiltines, so we hope and desire that once for all yow will take some effectual course for purging the Kings family of all scandalous and disaffected persons, and of constituting it of men of known integritie and affectione to the cause of God, as also for debaring all Malignants from acesse to the Kings Maj: and to the Court. We doubt not but your Lo: does consider how bad effects the land hes alredie found of such mens influence upon the King, whereof belike we shall find more, and worse if your Lo: faithfulness and wisdom doe not prevent it. Let the wicked be removed from the King, and his throne shall be established in righteousness."

The same day that this Remonstrance was considered upon, the Commiss: did also pass an Act suspending all these Malignants in the north, who had risen in arms, from the Communion, till the next Gen: Assem: the just copie whereof follows:—

"Pearth, Novemb: 29, 1650."

"The Comis: of the Gen: Assemb: considering the great sin and offence these men are guilty of, who have had acesse to the late Rebellion in y<sup>e</sup> North; therefore they doe appoint that all these persons that were actually in arms at the late rebellion, and all such as subscribed the Bond and Declaratione emitted by them, to be suspended from the Communion till the next Gen: Assemb: to which they are hereby referred for further censure; and for all others that had any acesse, by counsel or otherwise, to that rebellion, or to the Kings withdrawing from his Counsell, refers to Presbyteries to try diligently, in their severall bounds, these persons and the degree of their guiltines, and to report the same, with the evidences and proofs thereof, to the next meeting of this Commissione."

About the same time the Commiss: were instrumentall to cause y<sup>e</sup> King and his family, and the whole land, keep a Solemne Publiek Humiliatione for the sins of the King and of his fathers house."

[Page 65.]

"The Comission of the Gen: Assemb: in their Warning at Ed<sup>r</sup>, June 25, 1650, when the English army, to their knowledge, were now upon their marche for invading of Scotl: say—

"That these who are tainted with malignancy and disaffectione to the cause of God, should not be allowed or permitted to associate, or joyne themselves together in Armys, much less should we associate or joyne with them, or make use or employ, or countenance, or permitt them to be in our armies; that we have solemnly ingadged our selves against this, and should be desperately perverse to hazard upon it; that it were to give great encouragement to Sectaries, to discouradge the hearts and weaken the hands of men of integrity and godlines, who could hardly expect a blessing in the fellowship of such; that it were from the words of our own former Confessione and ingadgment unto duties, to proclaim judgment against the land till it were consumed without remedy; that it were a shame for any in this land to be soe faithless and unbelieving as, because of the scarcenes of men, to make use of such."

The Gen: Assemb: in their Declaratione, July 19, thereafter when the Englishes now were come over the Border, warn against the employing and intrusting of these men, and tell us "that God hath hitherto cursed all such counsels, and blasted such Résolutions; and that if we shall fall again

\* Vide ante, p. 599-600.



into this sin, as our guilt shall be much the greater by reason of many promises and ingadgments to the contrair, so we may expect a heavier judgment from the Lord upon it."

The Comissione of the Gen: Assemb: that sate at Stirling, after the defeat at Dumbar, did, in the three severall meetings, declair their Judgment to the same purpose. 1. In the causes of publicke humiliatione, which were first condescended upon by the Presbyteries and Members of the Comissione, then with the Army, and were afterwards approved by the Comissione.

"The not purging of Judicatories and of the Army from malignant and scandalous persons, and not filling all places of power and trust with men of known integrity, and of a blameless and Christian conversation, together with greater inclinations and endeavours to keep and bring in Malignants to the Judicatories and the Army, as though the land could not be guided nor defended without these," is acknowledged as one of our sinns, and as one of the causes of our sad stroke.

In their Warning at Stirling, Septemb: 12, 1650, they advertise us that "we would not think that all danger from the malignant party is now gone, seeing there are a great many such in the land who yet maintain y<sup>r</sup> former principles, and therefore (say they) we would, with als much watchfullnes and tendernes now as ever, avoid their snares, and beware of compliace and conjunctiōe with them, and take heed that, under pretence of doing for the cause, they gett not power and strength into their hands for advancing and promoting their old malignant designes, doubtless (say they) our safty is in holding fast our former principles, without deelyning to the right hand or to the left."

A litle thereafter, the King, by his Letter, propounding the questione unto them concerning the employing and intrusting these men, they did resolve it so as they did hold it furth to be "dangerous and scandalous, and contrair to our former principles to imploy and intrust these men." That was the language that the Kirk of Seotl: spoke before these Resolutions.

[Page 109.]

The Comissione of the Gen: Assem: in August next thareafter, that for preventing any misapprehensiōe that might arise because of the Kings Declaration about the state of the questione, did emitt a short Declaratione concerning the state of the questione, which I shall here set down, with the Comittee of Estates approbatione thereof and concurrence therein.

West Kirk, the 13 of August, 1650.\* . . .

This Declaratione was also intertaind with a testimony of cordiall aacceptance by the army, and was by publick order sent to the Generall of the English army, as containiug the true state of the quarrell upon q<sup>ch</sup> this Kingdome then fought.

1650.

*Excerpts from the Historical Discourses, &c., by Sir Edward Walker, Knight, Garter, Principal King of Arms, Secretary of War to his Majesty King Charles I., and Clerk of the Council to King Charles II.\* [London, folio, 1705.]*

Much about the time of his Majesty's landing,

certain intelligence came of Cromwell's advance, which induced a necessity of reinforcing their standing army, consisting of 2,500 horse and 3,000 foot. Much debate it had in Parliament, and was much opposed by Warriston, Scheesely, Swinton, and others of that party; but the certain news of his Majesty's arrival cooled their courages at that time; and so the Act of Levies past, consisting of above 30,000 horse and foot throughout the kingdom. This being done, a list being sent them (by that zealous brother Geffery, one of the Commissioners) of the persons that came over with his Majesty, as well his servants as others. They presently voted all of them from him but the Duke of Buckingham, Mr Seymour, Dr Frazer, and Mr Rodes; and so the Parliament adjourned to the 15<sup>th</sup> of August leaving a committee to rule in the interim. Two or three days after, the Marquess of Argyle, the Earls of Boclough and Weymes, Warriston, Cheesely, with the ministers Dick, Guthery, and others of the Committee came, and (having, it seems, power to that purpose,) they mitigated somewhat of the rigour of the former vote; for they only excluded the Lord Wilmot, Mr Secretary Long, Mr Harding, and Mr Oudart from Court, until they were otherwise disposed by Parliament; but banished out of the kingdom within eight days after the publication, either at Dundee or Aberdene, the Earl of Cleveland, and his son the Lord Wentworth, (who had deserved better of them,) the Lords of Widrington and Grandison, Sir Philip Musgrave, Sir Edward Walker, Mr Progers of the Bedchamber, Collonel Darsy, Collonel Grey, (though absent in Holland,) Collonel Boynton, Major Jackson, and Dr Gough. The first four, to shew their obedience, presently absented themselves; and two of them, the Lord Wilmot and Mr Harding, are again returned to Court, though no publick vote be yet passed in their favour; but the rest being not to expect any from them, and another part of the vote being to have money to transport them, did not remove themselves. Hither many of the Nobility Eugagers and others came, but with difficulty were admitted to kiss his Majesty's hand, and not suffered to stay any time. Among others, the Earl of Cornwarth, who coming into the Privy Chamber, and being told by the Marquess of Argyle, it was a great presumption to come thither being in his condition, he went to his Majesty, told him Friends must part, and wished and hoped he had none about him less faithful to him than himself. Then turning to Argyle, he told him—This is your doing; but I value it not. Then, coming into the presenee, he applied himself to the Earl of Cassels, standing on the one side of the Cloth of State, Warriston and Cheesely standing on the other. By this time, notice was given what had passed within, and Mr Wood, the minister, one of the Commissioners in Holland, beckued to him to come away, which he presently did; and coming to him said, Sir, God, I hope, will forgive me—will not you? But Mr Wood turned from him in disdain, giving him never a word; upon this, the Earl of Cornwarth went out. In the interim, Warriston and Cheesely called Sir James Balfour, Lyon King at Arms, and gave him order to take the Earl and hang him presently, except he went from Court. Hence you may observe the elarity of the Clergy, and the mercy of the Committee to any of the Royal party; since, the Earl being taken at Edenborough, was made prisoner in the Tolbooth, and (for anything I hear) left to Cromwell's disposition, together with Sir John Henderson; who coming afterwards to Dumfermling, and

\* Vide ante, p. 599.

† Journal, p. 160, et seq.



addressing himself to the Marquess of Argyle, was to have been employed by him to bring over the remainder of the arms from Sweden; in confidence of whose favour, he went to Edenborough, where he was likewise imprisoned. Besides this vote of Banishment, the Committee presented His Majesty an Act of Confirmation of the Treaty, with a recognition of his right and capacity of his executing of His Royal Authority; intimating their intentions of his Coronation at the next meeting of Parliament. But, in the interim, reserving the administration of affairs to the Committee of Estates, who still kept all in their power, except his Majesty's concurrence with them can add to their advantage, and then they seek it; to this end, they procured His Letters to the several Northern Counties to hasten the Levies.

The Committee having, to their satisfaction, at this time dispatched their business, returned to Edenborough; so did the old General Levin and David Lesley to the Army; from hence, likewise, all the Commissioners that were in Holland went their several ways, none remaining but the Earl of Lothian, and of the Committee, the Marquess of Argyle and his son the Lord Lorne, taking upon them the sole administration of Affairs.

His Majesty having stayed here about fifteen days, went to St John's Town, [Perth] where he was affectionately received, and, staying there one night, he passed back to Dumfermling, where he rested two, and so went to Stirling. By this time Cromwell was entered Scotland, and, without any opposition, advanced to Musselborough, but six miles from Edenborough. The Scottish army was drawn between Leith and Edenborough, having cast a trench before them. The number, at that time, of either army were equal, each being about 12,000 men, but Cromwell's, at that time, in much better order and discipline, for the Scottish army, being solely governed by the Committee of Estates and Kirk, took especial care in the levies not to admit any Malignants or Engagers; placing, for the most part, in command, ministers sons, clerks, and such other sanctified creatures, who hardly ever saw or heard of any Sword but that of the Spirit, and with this, their chosen crew, made themselves sure of Victory.

His Majesty having stayed three nights at Stirling, and Cromwell drawing nearer to Edenborough, was, by the good will of the general officers of the army, and the promptness of the Earl of Eglinton (a little before made Colonel of His Majesty's Horse Guard,) sent for by him to come to the Army. This was done against the sense of the Committee, and it were to have been wished he had not gone, or not given way so much to them, as when he was there to quit his interest and return. So, on Monday the 27<sup>th</sup> of July, His Majesty, attended by the Duke of Buckingham, the Marquess of Argyle, and some few of the Scottish nobility, with his servants, rode to Leith. Before he went, all the banished persons were commanded not to go with him to the army. That evening, His Majesty was received into the army with all the expressions of joy; and, at that instant, Cromwell drew a strong party of horse down even to the trench, and caused a party of the Scots, commanded by Sir James Hacket, to retreat in very great disorder. The next day a strong party of horse, commanded by Colonel Mountgomery, son to the Earl of Eglinton, fetching a compass, fell into Cromwell's quarters about Musselborough, routed six or eight parties of horse, forced (as 'tis said) Cromwell, himself, in his drawers, to take his horse and pass over the river.

Lambert was hurt in the action, and some slain, and 'tis as probable that, if Mountgomery had been seconded, he might as well have ruined Cromwell's army as he did after the Scottish army; but in the retreat, being in disorder, he lost some men and all his prisoners.

By this time the army was much increased, many Malignants and Engagers having gotten into command, His Majesty high in the favour and affection of the army, which was then more evident by the soldiers having, in the late action, made an R with chalk, under the Crown, upon their arms, and generally expressing the goodness of their cause, now they had the King with them. This startled the Committees both of Kirk and State, who cried out that the quarrel was changed and the cause of God neglected; and so divers arguments were used to remove His Majesty from the army, as the danger of his person, the multitude of people out of order by reason of his presence, want of provisions; and, 'tis reported, the Committee declared that, if he would not retire, they would act no more; and so, much against his will, he was persuaded, on Friday, the second of August, to pass over the Forth to Dumfermling.

Presently the Committee commanded away all Malignants and Engagers, and so lessened the Army of three or 4000 of the best men, and displaced all officers suspected, concluding then they had an army of saints, and that they could not be beaten, for so their lying prophets daily told the people out of the pulpit. Besides, the Gentry out of the Mers and Tivdale, who offered to offend Cromwell's rear, were, on pain of forfeiture, forbidden to embody themselves, or to attempt anything on him, but to come away and leave all to his power. And I have been assured by persons of great honour and integrity, that offers were made by considerable persons of the Malignant and Engaging Parties, that they would raise another army, that in case this were beaten, to take up the quarrel, and, in the interim, to give their wives and children in hostage; that, if this was victorious, presently to lay down arms, or, at least, that they might come into the army and have the van against Cromwell; but neither would be accepted. The prevailing party, to colour their malice and fear of them, (should they get any power,) by their instruments, the Ministers, declaring against them, and terming the sin of malignancy a sin against the Holy Ghost; that it was better to fight their enemies with a handful of elect and godly people than with mighty arms, laden with that sin, which, like Achan's wedge, would surely be the cause of their destruction.

About a week after, Cromwell rose hastily in the night, and marched back; he was as far as Haddington before the Scottish army took notice of his motion; thence he went to Dunbar. This occasioned several reports and conjectures, but none proved true. The Scottish army followed him, not expecting orders from the Committees.

In the interim, a Guard of two companies of foot, under the command of the Lord Lorne, Argyle's son, was, for honour's sake, appointed to attend the Court. These are those who, when all the Scots in the north of Ireland declared to join with the Marquess of Ormond against the murderers of the late King, refused and came home to Scotland, where they are well treated, and put into the Lord of Lorne's regiment.

Presently after the large Declaration ensuing was either brought his Majesty by Warriston and Berkley from the State, and Douglas and Guthrie



from the Kirk, or else, (if he had it before,) they then came for his answer. His Majesty, at that time, positively refused to sign it, and they most peremptorily pressed to have it passed *in terminis*, without any variation, how barbarous and unchristian soever the expressions were therein in relation to the late glorious King. They staid but one night, and so went away to Edenborough and Sterling, where, the next day being Sunday, they thundred out against the King, that they were deceived in him—that he was the very Root of Malignaney, and an utter enemy to the kingdome of Christ; and the Covenant which he had taken was only to gain his ends; and that they must take heed of him and the heathen people about him. Whereupon, on Monday following, the Kirk published the ensuing Declaration, which was approved by the Committee of Estates; and, two days after, three or four of the most zealous of the army, in the name of the rest, exhibited the following Remonstrance, which failed not of an acceptance. And I am assured that both the contrivers and approvers of them were not displeased at his Majesty's refusal—their ends being thereby to publish their papers, and so to bring his Majesty into the odium of the people and the army; whereby they might more safely treat with Cromwell, and give him assurance of not invading England, (which part of their Resolution is manifest in all their printed Declarations,) and so (if they kept the King amongst them until they could find a way to be rid of him) yet still to assure to themselves the power of Government; for, believe it, they did then and still do more fear His Majesty's just authority than they do the Conquest by Cromwell.

“Westkirk, the 13th day of August, 1650.” \*

In the interim, Cromwell having got provisions by sea, returns to his old quarters, and, on the 12<sup>th</sup> of August, marches on the south side of Edenborough, and encamps on a hill of advantage; his ships likewise pass up the Forth above Leith. The Scots still keep their quarters, the Armys being within three miles of each other.

During his stay there, the Committees, by Swinton and Collonel Carr, sent him their Declaration; and ('tis reported) his answer was that he would not juggle with them; he came for their King: if they would deliver him he would treat, otherwise not. But many believe they were too much of an opinion to have any difference during their negotiations. His Majesty from Dumfermling sends a letter to the Assembly to desire to have some of their number sent him, to satisfie him in point of conscience concerning some parts of the Declaration, and then he would give them satisfaction. What induced him to do it, I cannot say, only the Marquess of Argyle and some of the nearest about him were hourly enforcing the necessity of compliance, and the danger he was in in case he persisted; and possibly making the dangers greater than they would have been had he kept his former resolutions. About four days after, when they had published their papers, been with Cromwell, and the Chancellour and others had harrangued to the army the sence of the Kirk and Committee, which wrought not any great effect, the spirit (though not the body) of malignaney and affection to the King being still amongst them; the Assembly sent two of their numberto satisfie His Majesty, who, after many disputes, were at length induced to give way that

some expressions, in referenee to His late Majesty, should be varied; so His Majesty, upon Friday the 16<sup>th</sup> of August, signed it, and very late that night came to St Johnstons, being lodged in a house of David Lesley's, formerly Earl Gowry's, and wherein the murther was designed to be acted on King James.

Here following, you may read the Declaration,\* and by it judge if they ever meant it for his Majesty's good, or whether they have gained or lost by the publishing of it. I am sure many that promised wonders if it were done, and threatened destruction if not, have since found they have, both in Honour and interest, been no gainers by it. And now because it may seem strange to many that His Majesty was induced to sign it, I conceive myself bound in duty, and for His Majesty's vindication, to offer unto them these following considerations:

First, That necessity had brought him into such hands, as not out of meer loyalty, but for their own interest had seemingly wedded his; and so he was not in a capacity to oppose them.

Secondly, Most of those in power about him, as well English as others, passionately persuaded him to it; laying down the Dangers by his refusal, as the deserting of the army, and probably his own restraint, and an union with Cromwell.

Thirdly, The Ministers made it a matter of conscience and breach of Covenant and Treaty.

Fourthly, It is possible great advantages of power and interest were laid before him to facilitate his compliance; notwithstanding all which, he many days persisted in his refusal until he had got some alterations made in referenee to his father. So that, considering the time that it was done in, the opportunity that was upon him, and the ill consequences represented in ease of his refusal, with the pretended advantages on the contrary. I believe it will be found that few Prinees in the like exigent (though of much more years and experience) would have so long resisted so hard and desperate assaults.

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*Excerpts from The Secret and true History of the Church of Scotland from the Restoration to the year 1678, by the Rev. Mr James Kirkton. [Mr C. K. Sharpe's edition, 1817, p. 47, et seq.]*

The Scots, immediatly upon the news of his [King Charles I.] death, proclaim his eldest son King, upon the 5th of February 1649, providing alwayes that he was not to be admitted to the exercise of his government till he should give satisfaction for religion and peace; nor could they make warr upon England for their King, till he and they were at a point, which was not for two years after; but these two years, in my opinion, were the best two years that Scotland ever saw.

For though alwayes since the Assembly at Glasgow the work of the gospel hade prospered, judicatories being reformed, godly ministers entered, and holy constitutions and rules daily brought into the Chureh; yet now, after Duke Hamilton's defeat, and in the interval betwixt the two Kings, religion advanced the greatest step it hade made for many years: now the Ministry was notablie purified, the Magistracy altered, and the people strangely refined. It is true, at this time, hardly the fifth part of the Lords of Scotland were admitted to sit in Parliament, but those who did sitt were esteemed truly

\* Vide ante, p. 599.

\* For the Heads of the Declaration, see p. 599, ante.



godly men; so were all the rest of the commissioners in parliament elected of the most pious of every corporation. Also, godly men were employed in all offices, both civil and military; and about this time the General Assembly, by sending abroad visitors into the countrey, made almost an entire change upon the Ministry in several places of the nation, purging out the scandalous and insufficient, and planting in their place a sort of godly young men, whose ministry the Lord sealed with an eminent blessing of success, as they themselves sealed it with a seal of heavy sufferings; but so they made full proof of their ministry. Scotland hath been, even by emulous foreigners, called Philadelphia; and now she seemed to be in her flower. Every minister was to be tried five times a year, both for his personal and ministerial behavior; every congregation was to be visited by the presbyterie that they might see how the vine flourished, and how the pomegranate budded. And there was no case nor question in the meanest family in Scotland, but it might become the object of the deliberation of the General Assembly, for the congregational Session's book was tried by the presbyterie, the presbyterie's book by the synod, and the synod's book by the General Assembly. Likewise, as the hands of the Scottish church were strong, so her beauty was bright: no error was so much as named, the people were not only sound in the faith, but innocently ignorant of unsound doctrine; no scandalous person could live, no scandal could be concealed in all Scotland, so strict a correspondence there was betwixt ministers and congregations. The General Assembly seemed to be the priest with Urim and Thummim, and there were not ane 100 persons in all Scotland to oppose their conclusions; all submitted, all learned, all prayed, most part were really godly, or at least counterfitted themselves Jews. There was Scotland a heap of wheat set about with lilies, uniform, or a palace of silver beautifully proportioned; and this seems to me to have been Scotland's high noon. The only complaint of prophane people was, that the government was so strict they had not liberty enough to sin. I confess I thought at that time, the common sort of ministers strained too much at the sin which, in these dayes, was called *MALIGNANCIE*; (and I should not paint the moon faithfully if I marked not her spots;) otherwayes I think if church officers could polish the saints on earth as bright as they are in heaven, it were their excellencie and the churches happiness. But this season lasted not long.

[This poetical historian afterwards makes statements of a similar character, referable to a period a few years later; but it may not be much out of place to subjoin them here.—P. 52.]

Immediately upon the king's landing, Cromwel invaded Scotland, and the Scottish army levied for the king being entirely beaten at Dumbarton by the English, division entered both state and church, which is not as yet even to this day removed. Here the staff of bands was broken. The cause of this rent was this: After the defeat of Dumbarton, the king required a new army to be levied, wishing earnestly it might be of another mettall than that which had been lost. So he desired that sort of people who were called Malignants; his darlings, might be brought into places of trust both in council and army, though they had been secluded from both by their own consent. And this request was granted both by committees of estates and com-

mission of the church sitting at Perth. But there was a party in both these councils, which alleadged confidently, that though the malignants were content to profess repentance for their former practices, yet they should be found to be men neither sincere in their professions, nor successful in their undertakings. This was the beginning of the fatal schism in the Scottish Church.

[P. 54.—After the battle of Worcester, September 3, 1651.]

The King escaped into France, and the English became peaceable masters of Scotland for nine years following. So, after all the counties of Scotland had formally acknowledged the English for their sovereigns, they appointed magistrates and constitute judicatories to govern the land for their time. They did indeed proclaim a sort of toleration to dissenters amongst protestants, but permitted the gospel to have its course, and presbyteries and synods to continue in the exercise of their powers, and all the time of their government the work of the gospel prospered not a little, but mightily. It is also true, that because they knew the generality of the Scottish ministers were for the King upon any termes, therefore they did not permit the General Assembly to sitt, (and in this I believe they did no bad office) for both the authority of that meeting was denied by the protesters, and the Assembly seemed to be more set upon establishing themselves than promoting religion: also the division of the church betwixt protesters and resolvers continued in the church for six or seven years with far more heat than became, and errors in some places infected some few; yet were all these losses inconsiderable in regard of the great success the word preached had in sanctifying of the people of the nation. And I verily believe there were more souls converted to Christ in that short period of time than in any season since the Reformation, though of treble its duration. Nor was there ever greater purity and plenty of the means of grace than was in their time. Ministers were painful, people were diligent; and if a man had seen one of their solemn communions, where many congregations mett in great multitudes, some dozen of ministers used to preach, and the people continued as it were in a sort of trance (so serious were they in spiritual exercises,) for three dayes at least, he would have thought it a solemnity unknown to the rest of the world.

[In reference to the year of the King's return, Kirkton thus describes the state of the country and Church.—P. 64.]

Now before we speak of the alteration court influences made upon the church of Scotland, let us consider in what case it was at this time. There be in all Scotland some 900 paroches, divided into 68 presbyteries, which are again cantoned into fourteen synods, out of all which, by a solemn legation of commissioners from every presbyterie, they used yearly to constitute a national assembly. At the King's return every parochie had a minister, every village had a school, every family almost had a Bible, yea, in most of the countrey all the children of age could read the Scriptures, and were provided of Bibles, either by the parents or their ministers. Every minister was a very full professor of the reformed religion, according to the large confession of faith framed at Westminster by the divines of both nations. Every minister was obliged to



preach thrice a-week, to lecture and catechise once, besides other private duties wherein they abounded, according to their proportion of faithfulness and abilities. None of them might be scandalous in their conversation or negligent in their office, so long as a presbterie stood; and among them were many holy in conversation and eminent in gifts; the dispensation of the ministry being fallen from the noise of waters and sound of trumpets to the melody of harpers, which is, alace! the last messe in the banquet; nor did a minister satisfy himself except his ministry had the seal of a divine approbation, as might witness him to be really sent from God. Indeed, in many places the spirit seemed to be poured out with the word, both by the multitude of sincere converts, and also by the common work of reformation upon many who never came the length of a communion; there were no fewer than sixty aged people, men and women, who went to school, that even then they might be able to read the Scriptures with their own eyes. I have lived many years in a paroch where I never heard an oath; and you might have ridde many miles before you had heard any: Also, you could not for a great part of the country have lodged in a family where the Lord was not worshipped by reading, singing, and publick prayer.

Now, in the midst of this deep tranquility, as soon as the certainty of the king's return arrived in Scotland, I believe there was never accident in the world altered the disposition of a people more than that did the Scottish nation. Sober men observed, it not only inebriat but really intoxicate, and made people not only drunk but frantick; men did not think they could handsomely express their joy, except they turned brutes for debauch, rebels and pugeants; yea, many a sober man was tempted to exceed, lest he should be condemned as unnatural, disloyal, and insensible.

[The passages which we have thus quoted are often alluded to as affording evidence that the period in our church history to which they refer was the golden age of the Kirk. Without questioning the honesty of Kirkton, or without interfering with the right which other people have to judge for themselves in weighing the evidence afforded from many sources, we must say that Kirkton's account of matters appears to be, in its leading points, an enthusiastic fable. There is in every ecclesiastical record of the time, the most redundant and revolting proof that, instead of the unspotted morality on which he discants, enormities of every sort prevailed to a great extent—and such records are unimpeachable evidence. With regard to the alleged extent of intelligence, education, &c., the following brief passage from the record of the Presbytery of Perth, (March 28, 1649,) is quite conclusive:—"List of the Families wherein *some of them* can read within the parishes following—viz., Seone, 25; Drone, 36; Dumbarny, 55; St Madoes, 9; Rund, 25; Kinnoul, 18; St Martins, 13; Ragarton, 9; Arngask, 16; Abernethy 100." We now proceed to give a detailed account of the Assembly at St Andrew's in 1651, when Scotland was subjected to the double distraction of a violent schism in the Church, and a war in the field, betwixt the Scotch and the invading army of Cromwell.]

1651,

*Proceedings of the General Assembly which met at St Andrews and Dundee in July 1651.\**

[Session I, July 16.]

Preached in the forenoon Mr And. Cant; his text Heb. 12, 12, &c., and spoke generally against the publick proceedings: and in the afternoon, Mr Rob. Douglass, his text Ps. 102, 6; and in the close of his sermon contradicted the former sermon.

After q<sup>ch</sup>, the members of the Assembly repaired to the Assembly House, and after the King's Commissioner (my Lord Balcarras) and all wer sitt down in the house, prayer was made by Mr And. Cant, former Moderator; after q<sup>ch</sup> the Commissions wer given in. Ther wer double Elections given in of Commissioners from Glasgow, Stirling, and Dunkell, q<sup>ch</sup> wer waved till the Assembly should be constitute.

Mr Ja. Guthry made exception against the ruling Elders that wer chosen Commissioners from Churnside and Dunse, alledging they wer upon the Engagment, and according to ane act of the General Assembly '49, they could not be Members; also affirming the Presbitry of Churnside to be but 3 or 4 in number, and therfor could not chuse Commissioners; but that was laid by untill the Constitution of the Assembly.

After all the Commissions wer given in, quhen they wer about the constitution of the Assembly and election of a Moderator,

Mr John Menzies immediatly arose and said he had somquhat to propound, quieh was for noe intention but disburden his conscience, and it was that the Members of the Commission of the Kirke could not be admitted to sit in the Assembly, in regard their proceedings had been scandalouse, and that it was a rule that noe scandalouse persons should sit or have place in ecclesiasticall judicatorys.

Mr Douglass did rise, and replied, that they hoped their cariage should appear to be right, and noe wise scandalouse.

Immediately there arose a great number on both sides, with a great heat and fury—Mr Menzies insisting on his former motion.

Mr Ja. Guthry, backing him, said, that these persons behoved to be scandalouse who had led the Kirk and Kingdome to a course of defection, and told he had noe better termes to expresse their proceedings by.

Mr Pat. Gillespy, Mr John Hamiltoun, and some others, did back this motion.

To this motion replied Mr Blair, saying he saw the seasonable admonitions given in the preceeding sermons, to meekness, peace, and unity, made noe use of by those who propounded the former motion; but that Mr Menzies' and Mr Guthry's speeches wer feiree and bitter.

They replied that their motion was for the exoneration of their conscience: likewise Mr Ja. Wood, Mr D. Dickson, Mr Bailay, Mr Ramsey, the King's Commissioner, with some others, replied to Mr Menzies' and Guthry's motion, saying that nothing could be said in that or any other bussiness untill ther should be a constitute Assembly to be judge.

The contrary party said that the report of a scandal was enough to debarr any to sitt in a Kirk

\* Wodrow's 8vo MSS., vol. v., in the Advocate's Library.



Judicatory quhille ouce they wer freed judieially of a scandall.

Mr Douglass replied, that they could not be debarred till judieially they wer found seandalouse, quhich could not be till the Assembly wer once constatute, and did examine their proceedings; and said, that upon that ground the other party should not be admitted, in regard they wer more hurtfull to the work, and seandalouse, by their opposing the safty of religion, King, and Kingdome, then the Commission of the Kirk had been.

After this Mr Sam. Rutherford offered a paper to this purpose, against the constitution of the Assembly, but, with much difficulty and long debate, it was laid aside; for the drift of the motion and paper, by confession, was to hinder a Generall Assembly, to hold quhich was thought very dangerous.

Mr And. Cant and some proponed a conference to take away the former heat and division; but it was replied, that that could not be untill the Assembly should be constitute; for they being a confused multitude, and noe judicatory, they could not appoint a Comittay for that purpose.

They went to chuse a Moderator; and the old Moderator named Mr Blair, and Mr W<sup>m</sup> Rait. Besides, the Assembly added Mr Douglass, Mr Ja. Hamiltoun, Mr And. Cant, Mr Jo. Hamilton, Mr Dickson, by the naming any three of these as the Members thought fitt.

Mr Jo. Hamilton said, quhen it came to his voice for the naming of some to be in the list to be Moderator, that he would name them with this verbal protestation that his naming of them should not be prejudiciall to the exceptions they had to give in against the constitution of this Assembly; to quhich protestation and way of naming the list adhered Mr Jo. Menzies, the Presbitry of Pasley, with some others.

All this being done, the voice passing betwixt Mr Douglass and Mr Blair, Mr Douglass, by plurality of voices, was chosen Moderator, and this closed the first session.

#### Sess. 2<sup>d</sup>—July 17.—10 hours.

The Lord Commissioner presented a letter from the King, exeusing his absenee, entreating them to study unity, to censure these who wer contrary to the publick resolutions; and to that purpose the Lord Commissioner had a speech; after quhich

Mr Dickson propounded a motion for conference, quhich they promised to take into consideration after the appointment of the several comittys,—viz., one for examiation of the Commissions proceedings—one for overtures and bills—one for contraverted Commissions—one for appeals, referenees, and reports—one for the synod books; all these to meet at 2 hours in the afternoon.

After all quhich, they fell again upon the motion of appointing a conference with unsatisfyed bretheren; q<sup>u</sup>pon

Mr John Smith said, that a conference could not weel be while once the examination of the Commissions wer seen.

Mr Douglass replied, that for all that there might be ane amicable conference, without any prejudice.

Upon this motion there was a long debate by Mr Jo. Smith on the one hand, and several others on the other.

My Lord Comissioner backed Smith's motion, saying it was derogatory from the authority of the Assembly to appoint conferences about ane unde-

termined bussiness, but desired the proceedings of the Commission might be examined and tryed, and then a conference with parties on either hand, whilk should not be satisfyed with the Assembly's mind of the Commission's proceedings.

It was replied by Mr Wood, Mr Dickson, and Mr Blair, that there might be a conference about the meating of men's minds and affections, and about other things besyde the procedure of the Commission.

#### Sess. 3<sup>d</sup>.

A Bill from Mr James Hamiltoun, craving money from the severall Presbitrys that have not payed for the Ministers' Regiment of Horse, he having depursed 10,000 merks and not payed. It was referred to be more particularly examined by the Comittay of Bills.

There being a Letter sent from my Lord Waristone, Register, to the Assembly, there fell a hote debate whether it should be read, and it was delayed to a more convenient time.

There was ane appointment of writting a Letter from the Assembly to the King and Army for encouragment, and these Letters to be drawn by Mr Ja. Wood and Mr Jo. Hamiltoun. As for the Auswer to the King's Letter, because it had many particulars in it, it was deferred till further consideration.

Because of the desolation of Orkney, a visitation was appointed to goe ther and visite Orkney and Caithness.

#### Sess. 4<sup>th</sup>.

The Assembly fell on the contraverted Commissions. The first was concerning Blaketer, the ruling Elder of Churnside, quhich bred much debate; some alledging him to be included under the Aet of Assembly because of his acceesion to the Engagement—others saying the contrary: soe in regard of the unclearness of the bussiness it was referred to a Comittay.

Then came in the contraverted election from Glasgow. The Election of the Commissioners was Mr Pat. Gillespy, Mr Heugh Binning, Mr Carstairs, Geo. Porterfeld: The 2<sup>d</sup> Election of Commissioners was Mr Ro. Ramsey and Mr Geo. Young, and these opposed the election of the former before the Assembly, shewing they had given in 2 protestations against the first election: one against the formality of the election, because it was on a suddain without premonition; a 2<sup>d</sup> protestation against the persons—one excepted, viz. Mr Carstairs. The accusation against the persons did run upon their opposition to the Publick Resolutions of the Kirk and State, and about the Remonstrance, branched out in very many reasons; and after much debate whether they should fall upon the relevancy or not relevancy of these reasons given in against Mr P. G., O. M., H. B., it was concluded that discussing these reasons should be delayed untill the Assembly should have examined the proceedings of the Commission of the Kirk; and quhen all the Commissioners of the several elections wer called in, Mr P. G. said that these reasons could not be heard by the Assembly—1. Because the most of them wer emergents since their election; 2<sup>y</sup> Because the reasons wer materially a libell, quhilk first should have been presented and prosecute before the Presbitry, before they had come to the Assembly. But all was deferred till the Books of the Commission should be examined.



Sess. 5<sup>th</sup>.

This Sess. was spent all upon particular Bills.

Sess. 6<sup>th</sup>.

This Sess. did hold at 12 hours at night, the Lord's day, upon the alarme of the routing of our party in Fyfe; and then the Assembly was adjourned to Dundie; and there to sit down on Teusday at two afternoon.

At this Session, Mr Rutherford gave in a protestation against the lawfulness of the Assembly, conteining the reasons thereof in name of the Kirk of Scotland, subscribed with 22 hands, and desired it might be read; but it was delayed to be read, and all that subscribed the remonstrance, with some others, went away.

Sess. 7<sup>th</sup>. At Dundie, July 22.

First, the roll of all the members was called; and, beside these who protested, there wer many absent—towards the one half. After citation of the Catalogue, the Moderator declared, that, after their adjourning of the Assembly last Session at St Andrews, a protestation was given in; and [in] regard then it could not be read, he asked if there wer any now to present that paper?

It was answered, that none of the subscribers wer present; but one Mr Oliver Coult said, that he had found that paper quhilk was called the Protestation, and that he would give it in, but that he did not adhere to it, and desired it to be marked. After this, the Protestation was read, and did tend to this—That they declared and protested, in the name of the Kirk of Scotland, and all the members thereof quhich would adhere to that Protestation, against the lawfull constitution of this Assembly—1. Because it was a prelimited Assembly, in regard the free votes for choosing Comissioners was hindered by the Commission of the Kirk's Letter to the severall Presbitries, desiring them to cite all unsatisfied men to the Assembly, if, after conference, they were not satisfied; 2/y, Because of the King's Letter, overawing the Assembly; 3/y, Because of the Commissioner's speech, tending to the prelimiting of the members of the Assembly; 4/y, Because that the members of the preceeding Commission of the Assembly wer members of this, quhilk should not be, in regard the Commission had led to a course of defection; and therefor they protested against all that should be done by that Generall Assembly or their Commission. This Protestation was subscribed with 22 hands, and licence to add moe subscribers, and moe reasons, as they saw fitt.

After the reading of the Protestation, all their names wer called at the kirk dore, and none eompeared.

Then the Moderator publickly enquired, if there wer any moe that would adhere unto them, and own that Protestation? quhilk was presently interrupted by another motion; but shortly after,

Mr W. Jameson desired the Moderator, that he might propone quhat formerly he had said—viz., to enquire if there wer any that would own the former Protestation. But the Moderator, upon his second thoughts, would not hear of it, I know not on what ground.

Quhen this was over, the Commissioner had a speech to this purpose:—That that Protestation was very derogatory to the freedome, liberty, and honour of the Generall Assembly; and, if it wer requisite, that the King's authority should be inter-

posed against these men for the vindication of the Assembly's honnour, to quhich he and all was tyed by Covenant, he promised that should not be wanting.

The Moderator replied, desiring him to cease; for they should deal with them ecclesiastically, according to the freedome of the Assembly.

This was by way of nipp to the Commissioner; yet he desired to speak his mind, quhich he proceeded in to the former purpose. Nixt the Moderator enquired Mr Dickson's mind how the Assembly should proceed in this weighty bussiness. He answered, that the bussiness was of the highest concern that ever came before ane Assembly; and that hitherto the Lord had preserved the liberty and freedome of this Kirk intire; and that this Protestation stroke at the root of the freedome of the Assembly. He desired that all would be diligent to deal with God in this bussiness; and least unripe thoughts should be vented anent that Protestation, that it might be referred to a committy to think upon.

Nixt Mr James Wood, being interrogate his mind as to the former bussiness, spoke thus: that he was much weighted and afflicted with that bussiness and the timing of it, and desired it might be referred to a Committy.

Nixt Mr W. Jameson said, In respect they wer declinators of the Assembly, he desired the act anent such as declined the Assembly might be read; and it being read, ordeaned such as declined and protested against the Assembly to be summarly excommunicate.

Nixt spoke Mr Ja. Hamiltoun, and propounded they might be cited to compear befor the Assembly or their Commission, and that a distinction might be made amongst the Subscribers, in regard some wer headstrong and eheife hands in the remonstrance and opposing the Publick Resolutions, and drawing aside of others, and writing ag<sup>st</sup> the Publick Resolutions, and others lesse active. 3, In regard that these men would be labouring to draw severall aside to their way, both ministers and others; therfor he said it would be fitt that Letters wer written to the severall Presbitrys shewing the evil of their way, and vindicating the present Assembly. Some others said, that in reference to the first thing that Mr Hamiltoun had said, they thought it enough that the most eminent in the fault might be cited. Others replied, that it wer fittest all should be cited, and then to let the Assembly make the difference of evry man's guilt. Some others said, that that quhich was lurking, viz. separation, had now appeared; and the Moderator blessed God that he had deciphered these men.

The Commissioner said they might be censured uncited.

My Lord Humby replied, that men could not be condemned unheard; but I conceive this was not out of any affection to them or their cause, but only for legality's sake.

Mr Jo. Smith spoke much ag<sup>st</sup> them, with great profession of high esteem of the Persons.

Soe, after much discourse, it was referred to be considered upon by the Committy for publick affairs; but upon this there rose a debate in regard some of the Protesters were members of that Committy, and therfor could not sit as Judges in their own matters. Some would have had a new Committy for that purpose: others said the former Committy might serve:—1<sup>st</sup>, Because that such members of that Committy as wer Protesters wer not present; 2/y, Though they wer present, they could not sit, seeing they had declined the Assembly; and soe it was coneluded that this bussiness should



be referred to that Comitty. After this the severall Comitties wer appointed immediatly to meet, and this Session concluded.

Sess. 8.—July 23.

A Letter came from 7 Members quihich had left the Assembly and mett at Perth, and sent back a Letter to this purpose; that though they did not protest ag<sup>st</sup> the constitution of the Assembly, yet they protested that the Assembly should not approve the proceedings of the former Commission, and desired this to be marked. The subscribers of it wer Mr Ja. Donaldson, W<sup>m</sup> Brown, members of the Presbitry of Biggar; Mr Alex<sup>r</sup> Dunlope, Mr Mab, Ministers in the Presbitry of Pasley; Mr Jo. Hamiltoun, Mr W<sup>m</sup> Simmervell. Another Letter came from Mr Ja. Naismith, Mr Tho. Charters, Commissioners for Hamiltoun Presbitry, shewing that, in respect of the motion of the enimic, they could not be present, and that they did adhere to the Protestation, and desired that to be taken as their subscription and kept in record. A Letter came from Mr Jo. Carstairs, shewing 1. that he protested ag<sup>st</sup> the approbation of the former Commission: 2<sup>ly</sup>, That he protested for liberty to adhere to the former protestation, if soe be he got further light than he hath; and that there wer many members there quho in former times durst not mutter.

Upon Mr Carstaires' Letter, there arose a debate; for

My Lord Angus said—If men had liberty quhen they pleased to adhere to the Protestation, that would be ane ill preparative, in regard enow would ly by untill they saw how things would goe, and if things went the enimies' way, then possibly enow would protest quho otherwise would not.

Mr D. Dickson spoke much to Mr Carstaires' commendation, and shewed how he disputed against the Protestation.

Mr Jo. Smith said he saw noe other thing by Mr Carstaires' Letter but that he adhered to the Protestation; and he being contradicted by the Moderator, all the 3 Letters wer committed.

After this the Comitty of Appeals made some reports of quhat they had done, and, among other Appeals, they made report of Adam Stewarts appeal against the Synod of Argyle, concerning Mr Pat. Steuart, Minister of Rasa in Bute. The Synod Book and Mr Pat. not being present, they referred the tryall of the bussiness to the Presbitry of Irvine, and with them joined the Commissioners of Air and Dumbartan, and that their diet be the 3d Wednesday of August.

After this the Protestation was publickly read, and the grounds of ane answer, drawn up by the Comitty, was publickly read. And quhen it was read,

Mr Douglass said, that beside all that was said in answer to the Protestation, he thought it noe hard matter to evince the Protestation to be the highest breach of all the articles of the Covenant that ever was since the work of reformation began.

After this they fell on a debate, whether or not they should presently take the Protestation in consideration, or deferr it till the consideration of the procedure of the Commission?

Mr Dickson pleaded that it should be presently taken into consideration, for it was a declinator of the Assembly. Others would have had the Commission approved; soe it passed in the Assembly [that] that paper was a declinator.

After, the Lord Commissioner and Mr W. Jami-

son said, that seeing there was ane Act of the Assembly '36 relating to former Acts, that declinators should be summarly excommunicat, and he understood not how the Assembly could passe by that Act and the former practise.

The Moderator, Mr Ja. Wood, and Mr D. Dickson, said, that they might modifie and molify their own act—yea, repeal it, if need wer.

The Lord Commissioner said, they might repeal the act; but seeing the Act was standing, he saw not how it could be passed by.

The Moderator answered, that they knew quhat to doe with their own Acts, (this was by way of a nipp;) and they quho could repeall the Acts could modify the execution of the Acts, and yet not repeal the same.

The Commissioner said also, that the Protestation was reflecting on King and Parliament, as weel as upon the Assembly, and desired that to be taken heed to. So that it was the drift of the discourse of many to have some of them at least summarly excommunicat; but observe that we could not see that act for summar excommunication; only there was ane act Assembly '38, that the Bishop of Edin<sup>r</sup>, in regard he had declined the Assembly, should be excommunicat summarly, according to former Acts of Assemblies, quhich they said wer among the registers of the Kirk.

The Moderator proponed that the matter of censure was not the present question; but he revived the former motion, whether all or only some of them should be cited? And he said that the Comitty thought fitt that 3 should be cited. Mr Ja. Guthry, Mr P. Gillespy, Mr Ja. Simson. But others said ther wer others that wer cheife actors in that wickedness quho should also be cited, viz. Mr Ja. Naismith, Mr Jo. Menzies; and some opposed this, soe that it run to a vote, whither all these 5 or not should be cited? It carried that all the 5 should be cited; only there wer some quho thought that they should have been more amicably dealt with in regard these men walked upon point of conscience; therefore these few, viz., Mr Jo. Dickson, Mr Rob<sup>t</sup> Fergison, Mr Ja. Nisbit, Mr Alex<sup>r</sup> Gordon, (the author,) Mr Charles Archbald, Mr Alex<sup>r</sup> Smith, Capt. Rob<sup>t</sup> McClellan, and noe others of all the members of the Assembly voted that they wer not clear for the citation of any of the members at all, quhich was very strangely looked on by the most present.

Speaking of Mr Ja. Naismith, whether he should be cited, Eug. Pittillo answered, Mr Ja. Naismith had been active in drawing aside the Presbitry of Dunkeld.

Mr Tho. Lundy answered, that these Ministers of Dunkeld wer dissatisfyed upon other grounds, even upon the point of conscience, and not upon the relation of affinity that Mr Naismith had to these unsatisfyed bretheren. This being passed, the day of their compearance was appointed the last day of July, before the Assembly. A fast was appointed to be kept by the Members of the Assembly the following Lord's day.

Sess. 9.—July 24.

There came a Letter from the Commissioners of Stranrauer excusing their absence, and shewing that they assented to the publick resolutions. The Moderator proposed that, seing the examination of the procedure of the Commission was ready, the Assembly would fall upon that, and desired that evry man might have full liberty to speak his mind and not be derided and mocked, quhich was a thing too much in custome; for he remarked a



passage in Mr Carstairs' Letter, supposing that there wer men that sate in this Assembly quhich in former times durst not mutter, quhich, said he, doth evidently declare the insolence and dominerig of these men. But he desired that the Assembly might doe otherwise, and even though possibly the reasons of opposers were to small purpose, yet that they might be patiently heard. After that the Moderator proponed, that seeing they were to fall upon the examination of the proceedings of the Commission, that they would chuse a new Moderator; and it was ordered that every one should name one as they pleased; soe it fell on Mr R. Bailly—after quhich all the members of the precedent Commission wer removed and their power and authority read.

Mr Jo. M'Gill was chosen clerk. Soe the present Moderator called for the Moderator of the Committy for making their report concerning the procedure of the Commission, and he gave them ane ample testimony of honesty, care, and fidelity; but in regard there wer some particulars quherein the Committy did more fully debate, they now represent them; and 1. Anent the Westland Remonstrance the Committy thought they did rightly and wisely; 2<sup>ly</sup>, Anent the first querie, that they answered rightly and wisely; 3<sup>ly</sup>, Anent the Answer to the King's Letter they did rightly; 4, Anent the Answer to the bretheren of Stirling they did wisely; 5, Anent the Commissioners Letter to Presbytrys and their act for citing of unsatisfyed bretheren they did rightly and wisely; 6, Anent their Answer concerning the repealing the Act of Classes, that they did wisely and rightly, only the Act the 13 of August about the stating of the question, quhereupon the shouldiers should fight, that the Committy was not clear enough.

Then the present Mod<sup>r</sup> asked a number of the members concerning their whole opinion of the whole procedure of the Commission; soe all that wer asked being many, and the most considerable members sitting answered, they were satisfyed with the whole procedure of the Commission; only some of them said they wer not clear concerning the act of Agust 13; and the most of all said the Commission of the Kirk wer censurable in regard of their too much lenity in reference to the persons who had opposed the publick resolution. Only among all the Members of the Assembly, Mr Jo. Dickson, Mr Rob. Fergison, Mr Ja. Nisbet, Mr Alex<sup>r</sup> Gordon, Mr Thomas Lundy, being asked of their opinion anent the Publick Resolutions, declared themselves unsatisfyed in taking men into places of power and trust, contrary to the Covenant and solemn engagment. And Mr Tho. Lundy being the first of the former 5 that was interrogate of his opinion, propounded his objections in the name of the rest very acuratly; especially he urged ane argument from the Engagment, viz., how we could acknowledge it a sin to put malignants in places of trust in armys, and promise, in the obligatory part, not to doe the like again?—how these, by the Publick Resolutions, are reconciled? 2<sup>ly</sup>, How the Commissioners Act for excommunication of these who rose last in the north untill the Assemblie could be compensate with to be violate and the act not stand? 3<sup>ly</sup>, He objected that that word in the querie "notoriously scandalouse" was contrary to that of the engagment, viz., of knownen integrity; and this he confirmed by the first of the three objections: but the truth is, noe satisfactory answer was given. And the rest of this bussiness was referred to the afternoon. But here mark, that the Moderator of the Committy gave the opinion of the

Committy for approbation of all before one man's opinion in the Assembly was sought, quhich, in such debatable matters, might seem to be a prelimitation of the Assembly.

Sess. 10.—July 24.

It being propounded that all papers might be read, the Westland Remonstrance was read with the Commissions sence thereupon. In the midst of the reading of the Remonstrance came in Mr Ja. Wood, and desyred, that seeing he heard ther was a brother, viz., Mr Thomas Lundy, quhich proponed some objections in the forenoon quhich he heard, according to the propounders opinion wer not sufficiently answered, that again they might be proponed.

The Moderator desired him to remove untill the present bussiness was done, and then he and others in the Commission should be called upon; soe, after the reading of the Remonstrance with the Commissions sence thereupon, Mr Ja. Wood, Mr Douglass, Mr Dickson, was called in upon, and Mr Tho. Lundy was desired to propone his former objections, to the quhich he replied modestly, that he was not fitt to debeat with such able men, grave men, befor such a judicatory; yet, least he should seem to refuse satisfaction, he would propone, and the former 3 answered; but the strenth of their answer did run to the point of necessity, but that was not satisfactory to the former. After long dispute, Mr Tho. objecting, and these answering, the debate ceased.

After this, Mr Rob<sup>t</sup> Fergison proponed ane objection to this purpose; that the Commission of the Kirk had not stood for the libertys of the same, in regard they did not bear testimony ag<sup>st</sup> the Estates confining the Ministers of Stirling for supposed error in doctrine, ther being noe precedent judgment of the Kirk condemning their doctrine.

Mr Douglass answered, that they wer not confyned by the State, but only amicably desired to stay at Perth till the King's return, he being gone to Aberdeen.

After this, the present Moderator proponed if there wer any more that had any scruple to propone. Mr Murdoch, Mr M'Kenny, and Mr Dav. Forret, said Mr Alex<sup>r</sup> Gordon was unsatisfyed in some parts, quhich he declared befor noon, and desired him to propone them.

Mr Alex<sup>r</sup> answered he would doe quhat he had engaged, to propone them in a more privat way to the Members of some of the Commission quhom he thought most able for answering.

After this, the Moderator proponed that they might fall upon the Act of the 13 of Agust, seeing there was noe more to doe anent the report of the Committy anent the Commissions procedure.

The King's Commissioner said, that in regard that act did nearly concern the King, he proponed that the Assembly might vote the approbation of all the rest of the procedure of the Commission, and leave that untill he should speak with some of the Members of the Commission in privat. This did breed much debate, for some would have had the King's Commissioners desire, it being soe reasonable, granted; others objected that there was noe such preparative for the division of the approbation of the Commission Books, soe, after much debate, they did strick this midst in it, that presently the Lord Commissioner should goe apart and speak with some of the Members of the Assembly, and they in private agreed upon a sense that Act should have in all tymes coming, quhich the Assembly agreed unto; after quhich the Moderator proponed



the voicing of the whole procedure of the Commission. The question was stated, Approve or not? Soe the whole Assembly voiced approbation of all and evry part of quhat the Commission had done, with the largest commendation that ever any Commission gote—except these 7 following, who votted, not approve, viz. Mrs Tho. Lundy, Jo. Dickson, Ro. Ferguson, Ja. Nisbit, Alex<sup>r</sup> Smith, Alex<sup>r</sup> Bartrium, Alex<sup>r</sup> Gordon.

After this, the Moderator [Douglass] took his chaire, and they read the causes of their fast. The main wer the insolent attempt done upon the Commission; 2ly, The defeat of our party. And then this Session ended.

The next morning they fell on the contraverted Commissions, and soe they concluded that the election of Commissioners for Glasgow and Stirling that remained should be sustaned, and the other election, who deserted, should be rejected.

A little after, the enemy marching towards St Johnstoun, by quhich way to have access to Dundee quhere the Assembly was convcened, the Assembly arose and dispersed themselves the best way they could for escaping the enimie and their own safty; yet some of them, notwithstanding, did fall into the enemies hands as Mr Rob. Douglass, Moderator, and some others.

*This account was wrote by Mr Alex. Gordon, the only surviving member of this Assembly, and taken of his originall MSS. wrote during the Assembly, transcribed and collated Jan. 12, 1703, by*  
R. WODROW.

#### 1651.

*Acts of the Assembly 1651, and other Documents, extracted from the Controversial Pamphlets of the Time, but never recognised or printed among the Acts of the Church since the Revolution.\**

#### No. I.

*Unto the Moderator and Brethren Assembled at St Andrews, The humble Representation and Desire of the Ministers of the Gospel, under subscribed.*

AMONGST the many sad tokens of the Lords indignation and wrath against this Church, the present unhappy differences of His Servants of the Ministry is looked upon by Us, and We beleve by all the Godly of the Land, as one of the greatest: And as We hold it a Duty lying upon Us to be deeply humbled before the Lord in the sence thereof, and in our Stations and Callings to endeavor, by all lawful and fair means, the remedy and removal of the same; so we acknowledge a free Gen. Assembly, lawfully called, and rightly constitute, and meeting together in the Spirit of the Lord Jesus Christ, and proceeding with Meekness and Love according to the Rule of His Word, and Constitutions of this Church, to be amongst the first and most effectual Remedies appointed of God, for attaining of these ends. Therefore considering that the Election of Commissioners for the Assembly hath been in many places limited and prejudiced in the due liberty and freedom thereof, by the Letter and Act of the Commission of the last Gen. Assembly, to Presbyteries appointing such as remain unsatisfied with, and bear testimony against the Publick Resolutions, to be cited to the General

Assembly; which upon the matter, hath in many Presbyteries really obstructed the Electing of such, though otherwise men of approven abilities, and constant faithfulness and zeal for the Work of Reformation since the begining thereof: and that many Elections are questionable, some as containing persons not in a capacity to be chosen by the Acts of this Church, and some as not being made in a due order and right way; and that many Commissioners of Presbyteries and Burroughs are absent, some of them wanting free access, by reason of the English lying in the Country, and some upon other impediments and occasions; And remembring that such Reasons have formerly had weight in point of Discussion of the validity of some Assemblies, and may still be looked upon as important and weighty, by these who may happen not to be satisfied in their consciences with your proceedings. We did with all humble earnestness, and in the bowels of the Lord Jesus Christ, desire and beseech you for Truth and Peace sake; and that further mistakes and divisions may not be increased unto the prejudice of the Lords Work, and rejoicing of Enemies, and sadding the hearts of His People, That the Diet of the Gen. Assembly may, by the common consent and advice of the Brethren now met together, be adjourned for some competent time; and that by the same mutual advice and consent it may be declared, That the Letter and Act of the Commission ought not to be any prejudice to these who remain unsatisfied with the Publick Resolutions, why they may not be chosen Commissioners to the General Assembly; And that such Presbyteries as shall think fit, may make their Elections of new again, especially these Presbyteries whose Elections of Commissioners are questionable, to whom we desire it earnestly to be recommended, that they would in an unanimous way make choice of men of approven abilities and integrity, and against whom there can be no exception by the Acts and Constitutions of this Church. And in the last place, We do humbly represent and desire, that in the interval of time betwixt this and the Dyet, to which the Assembly shall be adjourned, there may be a Solemn Publick Humiliation throughout the Land, wherein God may be intricated to shew us why He contends with us, and to give light and clearing on all hands concerning the present differences of judgment, and distempers of spirit that are amongst us, that we may be of one mind, and one heart, for the carrying on of the Work of God amongst His People; And Your Wisdoms Answer.

*Subscribed by sundry Ministers of the Gospel.*

#### No. II.

*Protestation against the Lawfulness of the Assembly.*

St Andrews, July 18, 1651.

How gracious the Lord hath been to the Church of Scotland, in giving to her pure Ordinances, we trust shall be acknowledged by us whilst we live, with thankfulness to the Most High, of whom we desire mercy and grace to adhere unto the Doctrine, Worship, Discipline, and Government established in this Land: Amongst the many sad tokens of the Lords Indignation against this Church, The present Differences of His Servants of the Ministry is looked upon by us as one of the greatest: And as we hold it a duty to be deeply humbled before the Lord in the sence thereof, and by all lawful and fair means within the compass of our power and station to endeavor the remedy

\* Most of these Documents are to be found in Wodrow's MSS., vol. xvii., in the Advocates' Library.



thereof; so we do acknowledge a free General Assembly, lawfully called, and rightly constituted, and proceeding with meekness and love in the Spirit of the Lord Jesus Christ, according to the Rule of the Word, and the Acts and Constitutions of this Church, to be amongst the first and most effectual means appointed of God, for attaining this end, and for preserving the purity, and advancing the power of the Work of Reformation in this Age, and transmitting the same to our Posterity, and to the Ages and Generations that are to come. But as the faithful Servants of God in this Church in former times, did by His good Hand upon them in the right administration of free and lawful Assemblies, bring the Work of Reformation in Scotland unto a great perfection, and neer conformity with the first pattern: So, unfaithful men minding their own things more then the things of Christ, and usurping over their Brethren and over the Lords Inheritance, did deface the beauty thereof, first by encroaching upon the liberty and freedom of Assemblies; afterwards by taking away the Assembly themselves. Therefore, remembring the many bonds and obligations that lie upon us before the Lord, and being desirous to be found faithful in this day of temptation, and to exoner our consciences as in His sight, and to avoid accession to that guiltiness in which many have involved themselves, and conceiving that this present Meeting is not a free lawful Gen. Assembly of the Church of Scotland, in regard that the Election of Commissioners to the same hath been pre-limited and prejudiced in the due liberty and freedom thereof, by a Letter and Act of the Commissioners of the last Gen. Assembly sent to Presbyteries appointing such Brethren as, after conference, remain unsatisfied with and continue to oppose the Publick Resolutions, to be cited to the General Assembly; And in regard that Commissioners from many Burroughs and Presbyteries are absent, as wanting free access, by reason of the motion of the ———; and in regard that many of the Commissioners of the former Assembly, who have carried on a course of defection, contrary to the trust committed to them; and who in their Remonstrances and Papers have stirred up the Civil Magistrate against such who are unsatisfied in their consciences with their proceedings, and who have by their Letter and Act prelimited the Assembly, are admitted to sit and vote as Members of the Assembly, and their Moderator appointed to be Moderator of the Assembly, notwithstanding that timous exception was made against them, that they ought not to be admitted as Members of the Assembly, until their proceedings were first tried and approved by the Assembly; And in regard that his Majesty by his Letter, and his Majesties Commissioner by his Speech to the Assembly hath incited to hard courses against those who are unsatisfied in their consciences with the proceedings of the Commission, before these proceedings be tried and approved by the Assembly it self. We do upon these and many other important grounds and Reasons to be propounded and given in, in time and place convenient, protest in the name of the Church of Scotland, and in our own Names and in the Name of all Ministers, Ruling-Elders and Professors of this Church, who do or shall adhere to us against the validity and Constitution of this Assembly, as not being free and lawful, and that they may not arrogat nor assume to themselves any authority, nor exercise any power or jurisdiction for determining of Controversies, making of Acts, emitting of Declarations, judging of Protestations or Appeals, or proceedings of Synods or infe-

rior Judicatures, or censuring of Persons or Papers, or issuing of Commissions of whatsoever sort, to any persons whatsoever; and particularly we protest, that they may not proceed unto the approving or ratifying of the proceedings of the former Commission, not only because of their want of just power and authority so to do, but also because these proceedings contain many things contrary to the trust committed to these Commissioners, especially the allowing and carrying on of a conjunction with the Malignant Party, and bringing them in to places of Power and Trust in the Army, and in the Judicatures, contrary to the Word of God, the Solemn League and Covenant, the Solemn Confession of Sins and Engagement to Duties, the constant tenour of the Declarations, Warnings, Remonstrances, Causes of Humiliations, Letters, Supplications, and Acts, and Constitutions of this Church, and the laying of a Foundation for the Civil Magistrate to meddle with Ministers in those things which concern their Doctrin and the exercise of Ministerial Duties before they be cited, tried, and censured by the Judicatories of the Church. And we protest that whatsoever Determinations, Acts, Ratifications, Declarations, Sentences, Censures, or Commissions that shall be made, or given out by them, may be void and null, and may be interpreted as not binding to the Church of Scotland, and that notwithstanding thereof it may be free for us, and such as adhere to us, to exercise our Ministeric, and enjoy the warrantable Christian liberty of our consciences according to the Word of God, the National Covenant, and Solemn League and Covenant, and Solemn Engagement to Duties, and all the Acts and Constitutions of this Church; and that there may be liberty to chuse Commissioners, and to convene in a free lawful General Assembly, when there shall be need, and the Lord shall give opportunity, and to add what further Reasons shall have weight for shewing the nullity of this Assembly, and the unwarrantableness of the proceedings of the Commission of the former Assembly. And that these Presents may be put upon Record by the Clerk in the Registers of the Assembly, to be extant *ad futuram rei memoriam*, and that we may have subscribed Extracts thereof under the Clerks hand.

### No. III.

*Instances of the Influence that the Letter and Act of the Commission of the Gen. Assembly 1650 had upon several Presbyteries and Synods, and upon several persons therein, in the Election of Commissioners to the Assembly 1651, and in the Citing of these of their Number who were dis-satisfied with the Publick Resolutions as they are attested out of the Registers, or by Members of these Presbyteries and Synods, who were Witnesses to their Proceedings in these things.*

#### 1. Instance in the Presbytery of Jedburgh.

THE Letter and Act of the Commission of the Gen. Assembly 1650, concerning the Citing of such of their Number as were Opposite to the Publick Resolutions, came to the Presbytery of Jedburgh, before the chusing of their Commissioners to the Assembly: At the time of the Election, the Presbytery after the reading thereof, did in obedience thereto, make enquiry, who of their Number were not satisfied with the publick Resolutions; and finding that Mr John Livingston, Mr Ja. Ker, and Mr Jo. Scot, were dis-satisfied with these Resolutions, they did appoint Conference with these Brethren in order to their satisfaction, by reading



of some publick Papers, refusing any other way of Conference unto them; after which, they went on to the Election of their Commissioners, passing by these dis-satisfied Brethren, and Citing them by vertue of the Act of the Commission, to Compear before the General Assembly to be holden at St Andrews the        day of July, 1651.

### 2. *Instance in the Presbyterie of Dunkel.*

THE Presbyterie of Dunkel having chosen such of their number to be Commissioners to the General Assembly 1651, as were in their judgments opposite to the publick Resolutions; some of the Presbytery dissented from the Election of these persons upon the ground of their being uncapable to be Commissioners, because of an Act of the Commission for citing of such to the Assembly, and urged, That the Dissent, and ground thereof, might be marked in the Presbytery-Book, to be judged by the Synod.

### 3. *Instance in the Synod of Perth.*

THE Synod of Perth, which met in June 1651, having received and read the Letter, and Act of the Commission, concerning the citing these who were opposite to the publick Resolutions, did find it incumbent unto them for satisfying the said Letter and Act, to appoint the several Presbyteries within their Bounds, and where the plurality of the Presbytery was dis-satisfied with the publick Resolutions, some nominated by themselves to Confer with dis-satisfied Brethren; and in case of their not receiving satisfaction by Conference, to cite them to the Gen. Assembly at St Andrews, from which Act of the Synod, such dis-satisfied Brethren as were present, who were about eight or nine, did Dissent, and were therefore cited *apud acta* by the Synod, to Compear before the Assembly, because of their opposition to the publick Resolutions: and concerning the rest who were absent, it was ordered by the Synod, That personal Summons should be sent unto some of them, and that others of them, in case of their not being satisfied by Conference, should be cited by their respective Presbyteries, and such as were appointed to Confer with them: At the same time, the Synod taking in consideration the Dissent of some of the Members of the Presbytery of Dunkel, and the grounds thereof, from the Election of their Commissioners, did sustain the same, and appoint the Presbitry to make a new Election.

### 4. *Instance in the Presbytery of Kirkaldie.*

THE Presbyterie of Kirkaldie, having received and read the Letter and Act of the Commission, did thereafter and in order therto, refuse to subscribe the Commission of Magnus Aytoun, then chosen Commissioner to the General Assembly by the Town of Brunt-Iland, because when his Commission was presented to the Presbitry, he was not present to declare his judgment concerning the publick Resolutions. The same Presbytry did by vertue of the same Letter and Act find themselves obliged to Refer or Summon two of their number, to wit, Mr Alex. Munereiff, and Mr George Nairne to the General Assembly, because of their being dis-satisfied with the publick Resolutions, but remembering that these two had a little before that time Dissented from an Act of the Synod of Fife, appointing such Ministers in the Bounds of that Synod as were dis-satisfied with the publick Resolutions, to be referred to the General Assembly, did find that they were obliged to compear before the Assembly, to give in the Reasons of their Dis-

sent from that Act; and therefore the Presbytery did draw up a Paper mentioning their regard to the Act and Letter of the Commission, and also bearing the Dissent of these two Brethren, and that they judged it not necessary to summon them, who were already by their Dissent obliged to compear; and this Paper they did deliver to their Commissioners, appointing them to present it to the Assembly.

### 5. *Instance in the Presbytery of Glasgow.*

THE Presbytery of Glasgow did choose Commissioners to the General Assembly 1651, before the Letter and Act of the Commission came to their hands, from which Election some of their Number did Dissent upon this ground amongst others, because the persons chosen were of a contrary judgment to the publick Resolutions, and that they knew that the Commission of the General Assembly was to send some publick Directions to the Presbitry anent that matter, and the dissenting part of the Presbitry, though the smaller number by many, did thereafter make a new Election of their own, and did cite some of these of the Presbitry who were opposite to the publick Resolutions, to compear before the Assembly upon the ground contained in the Letter and Act of the Commission; and some of the same Dissenting part of the Presbitry, who were frequently with the Commission, in promoting these Affairs, did send the Letter and Act of the Commission inclosed in a Letter of their own to two of the Brethren of the Presbitry of Lanrick, advising them, That before the Election of Commissioners in their Presbitry, they should cause read the Letter and Act of the Commission, and endeavor to carry on the Election accordingly; and that if they could not attain this, that then these of their Number who did approve of the publick Resolutions, should make a New Election amongst themselves, and leave it to the Assembly to judge which of the two Elections was valid; signifying withal unto them, that they had done so in the Presbytery of Glasgow.

### 6. *Instance in the Presbitry of Biggar.*

THE Letter and Act of the Commission 1650, concerning such as did Differ from the publick Resolutions, came to the Presbytery of Biggar, and was publickly read therein before the chusing of their Commissioners to the General Assembly; and thereupon Interogators were made to the Brethren, for trying of their judgment anent the publick Resolutions, that these who profest themselves dis-satisfied therewith, might be rendered uncapable to be chosen Commissioners to the General Assembly.

### 7. *Instance in the Presbytery of the Merns.*

THE Presbytery of the Merns, having chosen the Lord Arbuthnet in his absence from the Presbytery, to be Commissioner as Ruling Elder to the General Assembly 1651, did send two of their Number unto him to take his Oath to be faithful in that imployment; and withal, to take tryal whether he were satisfied with the publick Resolutions; and to signifie to him, That if he were not satisfied with these Resolutions, the Presbytery could not be answerable to give him a Commission for sitting in the Assembly, but behaved to chuse another.

These Instancees may suffice for verifying of what is alleadged in the former Debates concerning the influence that the Letter and Act of the Commission of the General Assembly had upon



several Presbyteries and Synods and Persons therein, in the Election of Commissioners to the Assembly 1651, and in Citing of these who were Dis-satisfied with the publick Resolutions, and therefore it shall not be needful to trouble our selves or the Reader with the bringing and setting down of more of this kind.

No. IV.

*Papers betwixt the Assembly and Committee [of Estates.]*

*Offers and Desires from the Committee of Estates, Presented by the Earle of Glencarn, the Thesaurer-Depute, and Archibald Sydsersf, to the Gen. Assembly.*

As we cannot but with sad hearts regrave that notwithstanding of the many endeavors of, and great pains taken by the Parliament and Committee of Estates, for removing of Differences, and offering all just satisfaction to the Desires of the Commissioners of the General Assembly concerning the necessity and lawfulness of this present Engagement; yet they have all hitherto proven ineffectual, and Divisions betwixt us are rather increased, then lessened; so we cannot but here promise to our selves better Success from the wisdom of this grave and veverable Assembly, especially whilst our consciences bears us witness, that in all our undertakings we have nothing before our eyes but the glory of God in the first place; and in the second, the good and preservation of Religion; and next therunto, the safety of his Majesties Person now in dangor, and the pursuance of the same ends of our Covenant which hath been sealed with the blood of so many of our friends and country-men: And that our sincerity and reallity in all these may be manifested to all the world, we are content now again at this time, not only to renew all these offers which were formerly made by the Parliament to the Commissioners of the Gen. Assembly, for the security of Religion; but hereby we offer to grant what further security the General Assembly shall be pleased to demand in reason of us for Religion: And although we cannot lay negatives and restrictions on the King, but must, as obliged in conscience and duty, endeavor his Rescue, that he may come with honor, freedom, and safety to some of his Houses, in, or about London; yet we are most willing to give what Assurance can be demanded for our selves and our Army, even by an solemn Oath, if so it shall be thought fit by the General Assembly, that we shall not be satisfied and lay down Arms, until Religion be secured in all his Majesties Dominions, according to the Covenant: Therefore out of the deep sence we have of the great danger that the further growth of these Divisions may bring to Religion, the Kings Majesty, and to these who doth sincerely wish the settling of Presbiterial Government in all his Majesties Dominions, We cannot but desire you seriously to weigh the sad Consequences may ensue, if, at this time there be not found amongst you, some who will endeavor to heal, and not to make wider the Breaches betwixt Church and State, to remember that no such effectual help can be yeilded at this time to that

as to have the hearts and consciences of the people preposessed with prejudices against the Resolutions of the Estates and their so pious and necessary Engagment. And for this cause, to the end these unhappy Differences may spread no further, we do intreat you would be

pleased to appoint some of your Number, to meet with such as shall be appointed by us, for Composing these mis-understandings betwixt Church and State: And likewise for so cleering the Marches betwixt the Civil and Ecclesiastick Power in these Questions hath been Debated betwixt the Parliament and the Commissioners of the Gen. Assembly; as the Kirk may be freed of all scandals in meddling with Civil Business, and the Estates from the scandals of Erastianism: And seeing our desires herein are only to remove all jealousies betwixt the Church and State, and to witness to the world our unfained intentions to do al that is in our powers for the most satisfaction of the Gen. Assembly, We do desire that ye would be pleased to forbear the emitting of any Declaration either to this Kingdom, or the Kingdom of England, relating to our present Engagement and proceedings, considering how unseasonable it may prove whilst our Army is in the Fields against the great obstructions of any Enemies to our Reformation, to do any thing may eucourage and strengthen the hands and hearts of that

who doubtless will encourage themselves in their own wayes, the more they have ours disaproven by you: And as their unhappy differences and divisions have already so wrought upon the hollow hearts of some of our Countrymen, as to move them to rise in Arms against the Parliaments Forces, and of some to run and joyne themselves with these ——— so much the more wil these ——— be strenghtned and encouraged against us by their hearing of our Divisions: We do likewise desire, That before the Gen. Assembly proceed to any approbation of the actions of the Commissioners of the Gen. Assembly, That in these things that may relate to the present Engagement and to these Questions [that] hath been Debated betwixt the Parliament and them, we may be first hard. All these we desire for no other end, but that these untimely Differences and Rents now grown to so great a height as that they threaten the ruin both of Church and State, may by the blessing of God in the spirit of Meekness be cured and bound up, That neither Malignants on the one hand may have occasion to laugh at our Divisions, nor ——— on the other hand encouraged and strenghtned against us: But that we (as formerly) may go on in one way, being all engaged in one Cause for one and the self-same Ends; And so may receive a blessing from the Lord of Peace and Order (which hates the instruments of Division and Confusion) upon all our endeavors, for advancing the blessed work of Reformation, and for bringing to an happy end all the Miseries and Confusions now, which these Lands hath been so long tossed and consumed with.

Before the Assembly give any Answer to the Paper produced from the Honorable Committee of Estates, The Assembly thinks fit to enquire at the honorable Persons who presented the Papers, If the Committee of Estates have any new Objections against the Proceedings of the Commission of the late Assembly, or only the same Objections made by the Parliament, or their Committees before.

*Sic subscrib.*

A KER.

The Committee of Estates do make this Return to the Paper of the Gen. Assembly, That they have just and material Exceptions against the proceedings of the Commissioners of the Gen. Assembly, besides any formerly made by Parliament or Committee of Estates.



The Assembly continues until the morn at ten hours that Examination of the Proceedings of the Commission of the late Assembly, and do appoint that time for Hearing any New Exceptions the Committee of Estates hath to give in against the Proceedings of the said Commission.

*Paper sent into the Assembly.*

WHEREAS it hath been the constant Care and Endeavor of the Parliament and Committee of Estates, To use all means for removing and settling the Differences betwixt the Church and the State; and in pursuance of that good way, The Committee did yesterday give in some new Desires and Offers to the Gen. Assembly, That some might be appointed to meet and confer with such as should be appointed by the Committee therupon: But since instead of imbracing and laying hold of this opportunity of composing Differences, The Gen. Assembly doth proceed toward an approbation of the proceedings of the Commissioners of the Assembly, wherby we conceive all hopes of making up the Breaches will be removed, and the prejudices will be great that will thereby ensue to this cause and Kingdom; For preventing whereof, we hold our selves obliged again, to desire you, as you tender the furtherance of the work of Reformation, the Good, Peace, and union of the Kingdoms, and the composing of all Differences and Jealousies, that you would apply your selves to these our Desires, and appoint some of your Number to confer with us therupon for the Exceptions we have against the proceedings of the Commissioners of the Gen. Assembly: We have confidence a Conference may prevent the same, and are more willing not to give them in at all, or at least only to give them in to those you shall appoint to confer with us, that if it be possible Differences may yet be removed, then that we be necessitate to appear in publick amongst them: And that this and our former Paper may remain as a testimony of our Desires for Unitie and Peace, we desire that they may be Recorded in the Books of the General Assembly.

The Assembly do give this humble return to the Papers sent this day from the Hon. Committee of Estates, That they are most willing to appoint a conference with any of their Lordsh. number, but that according to the Order and Acts of former Gen. Assemblies, they conceive themselves obliged, first to examine the proceedings of the Commission of the late Gen. Assembly, and thereafter shall be willing to confer, being also now ready as of before to hear Exceptions, if there be any, against the proceedings of the said Commission.

*Subscrib.*

A. KER.

The Committee of Estates understanding that the Gen. Assembly is to proceed to the examination of the proceedings of the Commissioners of the late Gen. Assembly in order to an approbation before they agree to a Conference; and the Committee being to give in their just exceptions against the proceedings of the said Commissioners, do desire the Gen. Assembly to allow some few dayes delay to the Committee to prepare their Exceptions before the Assembly proceed in the Business.

The Assembly continues the examination of the Proceedings of the late Gen. Assembly until

four afternoon, and appoints that time for Hearing any new Exceptions the Honorable Committee of Estates have to give in against the Proceedings of the said Commission.

*Subscrib.*

A KER.

The Committee of Estates finding it impossible in so short a time to prepare their Objections against such of the proceedings of the Commissioners of the General Assembly, as relates to their Engagement: and yet being most willing to essay all fair means for procuring an happy Understanding betwixt Kirk and State, are content to appoint some of their Number to meet with such as shall be appointed by the General Assembly for Composing of Differences betwixt the Church and State, without prejudice to them to use all their just Objections against the proceedings of the Commissioners of the late General Assembly, if the Conference shall not produce these happy Effects they earnestly wish.

The General Assembly unto the Motion sent this afternoon from the Honorable Committee of Estates, Do return humbly this Answer, That they yeeld to their Lordships Desires of a Conference, and for this end appoints M<sup>rs</sup> David Calderwood, David Dickson, Robert Douglass, Andrew Cant, John Monereif, John Smith, and John Mae Clelland, *Ministers*; and the Earl of Cassilles, the Earl of Louthian, Lord Balmerino, the Lairds of Monereif and Freeland, with the Moderator to confer with any appointed by the Honorable Committee of Estates, at such time and place as shall be appointed by their Lordships, upon the present Dangers to Religion and the Cause of God, the great prejudices done to the Liberties of the Kirk, and the best remedies thereof: And to Report the Result of their Conference from time to time: And they have also Power to receive any Offers or Papers from the Honorable Committee of Estates, and to present the same to the Assembly: Declaring that the proceedings of the Commission of the late Assembly being now exactly tried, and unanimously approven, there is no place left for any Objections against the same.

*Subscrib.*

A. KER.

No. V.

*Act at Dundee approving the Proceedings of the Commission of the former Assembly.*

July 24, 1651. Post meridiem.

THE Generall Assembly having considered the report of the Committee appointed for revising the Proceedings of the Commission of the preceding Assembly; and having also heard the doubts and objections of diverse Brethren, against their Acts and resolutions after-mentioned, after due examination, long and much debate and mature deliberation, The Assembly findes the zeal, diligence, wisdom, and faithfulness of the said Commissioners in the discharge of the trust committed unto them, very great, and in the manifold difficulties of this last years great and dangerous occasions, their watchfulness and labours to have been very singular and more then ordinary: And therefore do approve their Acts and Proceedings, especially their sense of the Western Remonstrance, Perth November 23, their Answer to the Parliaments Quære,



anent the more generall calling forth of the People, Perth Decemb. 13, their Solemn Warning, Perth Jan. 6, their Answer to the Letter of the Ministers of the Presbyterie of Stirling, Perth Jan. 6, their Answers to the Letters from other Brethren and Presbyteries in relation to Publick Resolutions; their Answer to his Majesty, and Committee of Estates Letter anent the Protestation of the Ministers of Stirling, Perth March 18; their Act concerning the opposers of Publick Resolutions, and Letter to Presbyteries thereupon; their Answer to the Quære anent the Acts of Classes. And in these and the rest of their proceedings, do judge them to deserve high commendation. Onely the Assembly having considered their Act and Declaration of August 13, 1650, at the West Kirk, finding that some have already made ill use of the same: And to the end that it may not hereafter be to any a ground of unwarrantable proceeding in reference to the Kings Majesty, or any of his Successors, Declare, that the said Act and Declaration shall not in any time coming be interpreted to have any other meaning, then that the Kings Interest is not to be owned but in subordination to God, the Kirk being ever willing, as their duty is, to own and maintain in their station, his Majesties Interest in that subordination, according to the Covenants. And the Assembly Ordains Master Robert Bailzie Moderator *pro tempore*, to return to their said Brethren hearty thanks in the name of the Assembly, for their great pains, travell, and fidelitie.

*Sic subscribitur,* A. KER.

#### No. VI.

Dundee, Julii 21, 1651. Ante mer. Sess. 19.

*Act for censuring of those who do not acknowledge this present Assembly, and do not acquiesce to the Acts thereof, &c.*

THE Generall Assembly considering that all persons who protest against, and decline the authority of the General Assembly, are censurable by the Acts and Constitutions of this Kirk, with the highest censures thereof, and that by the Act of the soleme General Assembly of Glasgow, 20 Decemb. 1633, Sess. 26, Presbyteries and Provincials are ordained to cite and censure all such as would not acknowledge the said Assembly. And the Assembly being very sensible of the prejudice this Kirk may suffer in her Liberties and Privileges, by the beginnings of such practices (if they be not timeously prevented and restrained.) Therefore according to the practice and example of the said Assembly, They ordain Presbyteries and Provincieall Assemblies, to call before them all persons that do not acknowledge this present Assembly, and to censure them according to the degree of their contempt and obstinacie to the Acts of this Kirk: And the Assembly having also considered that by the afore-mentioned Act of the Assembly of Glasgow; and another Act of the said Assembly, Decemb. 18, Sess. 24, Presbyteries are ordained to proceed against these that do not acquiesce to the Acts of the said Assembly, and that refuse themselves, or draw others from the obedience of the Act of the General Assembly, in manner mentioned in the said Act. Therefore do ratifie and approve the said Acts, and declare, that they are to be extended against Ministers censured by this Assembly, and all those that oppose the Publick Resolutions thereof. Ordaining also Presbyteries and Provincieal Assemblies, To call before them all persons that shall not acquiesce to the

Acts and Constitutions of this present Assembly, and to deal with them by conference for their satisfaction. And if in their conference with them they shall still oppose the Acts and Conclusions of this Assembly, That they censure them according to the degree of their offense and obstinacie to the Acts of this Assembly. And where Presbyteries are negligent or wanting herein, the Assembly appoints the Commission appointed for Publick Affairs, to proceed against the said offenders respectively, and to censure them in manner above specified, giving unto them full power for that effect.

#### No. VII.

Eodem die at Dundee, Ses. 19. Ante merid.

*Act against Expectants who oppose the Publick Resolutions.*

THE General Assembly understanding the scandal and prejudice of practiees and carriage of some Expectants and students, attenders of families, for performance of religious duties by their private or publick opposing Publick Resolutions: For removing whercof, they do extend the Act of the Assembly 1640, Sess. 10, against expectants, refusing to subscribe the Covenant and the censure therein specified, against all expectants, students in Divinity, and attenders upon families for religious duties, that shal not acknowledge the General Assemblies of this Kirk, and this present General Assembly, and that shal not aequiesce to the Acts and Constitutions thereof; and do ordain them to be removed from Bursaries, and to be discharged from publick preaching and catechising in Congregations and families, and from all other priviledges and liberties allowed to expectants; appointing Presbyteries and Provincials to proceed against them accordingly.

#### 1651.

*Excerpts from The Waters of Sihor, or the Lands Defectione; By James Guthrie.\**

[Page 66.]

The Comissione of the Generall Assemblie, in their answer to the Letter of the Presbytrie of Stirlin, from Pearth, Jan. 6, 1651, plead—"That it is not only lawfull but a necessar duety, to raise these men in arms, pag. 7; That they must be called and allowed to rise in arms for their own defence, and for the defence of the eountry, pag. 11; That we may warrantable associate with them, pag. 11, 12; That it is not against the soleme ingadgment to duties; that being but a humane law and Resolusione, which must yeeld to this ease that is warranted by the law of nature, pag. 13, 14; That it gives no incouradgment to seetaries, pag. 16, 17; That there is no cause to be affrayed of God's indignatione upon the aecount of employing such, p. 17; That, what ever be the event, there will be more peace and comfort to us by making use of such means, than any furdur calamity should come upon the land, they not being made use of, p. 18; That it were a tempting of God and transgressing against warrantable Christian prudence, not to make use of them in the case wherein we then stood, p. 6; That the danger of making use of such is not certain and inevitable: That it is not so apparent

\* Wodrow's 4to MSS., vol. xvii., in the Advocates' Library.



and great, page 18; That y<sup>e</sup> scandall is not given but taken, p. 16." The same things are repeated in the Solemne Warning to all the Members of this Kirk. Pearth, Jan. 11, 1651.

That these things doe inferr and contradict the things cited before these resolutions, I think, is manifest and obvious:—what the one makes sin the other makes duty. [And then the writer goes on to contrast the documents and point out their inconsistency.—[Page 75.]

The Comissione, in their warning at Pearth, Jann. 7, 1651, and in their Remonstrance at Pearth, Jann. 25, 1651, doe clearly insinuate them of complying with the adversaries. In the 4 pag. of the Warning, they give this advertishment: "We exhort, and, as the servants and messengers of Jesus Christ, doe, in his name, charge the Kirk and people of God in this kingdome, to avoid all sorts of complying with the enemy, whither by speaking favourablie of them and their wayes, or speaking disrespectively of the publick just and necessary Resolutions and proceedings of Kirk and State, for opposing their wicked desigu."

Now these Resolutions are the same in questione, against which sundrie Presbyteries had then begun to give testimony; and, in the 8 pag. of their Remonstrance, they give this advertishment to the King and Comitee of Estates:—"Yee would carefully take heed that scruple of conscience be not, by some, pretended unto unwillingnes of acting, for preservacione of the indangered cause and sinking kingdome, and taken on as a mask to cover the designe of underhand advancing the intrest of the Sectarian Army."

In a Letter written from Pearth, Jan. 16, 1651, they give this order concerning such:—"We doe hereby require and exhort you to take notice of them, of whatsoever place or statione, who doe obstruct, speak against, dissuade, privatly or publickly, from the present levy, or who, having a calling to speake for it, are silent therein, and to make report thereof at the next meeting of our Comissione at St Andrews, Jan. 21."

Upon the 20 of March 1651, they did emitte a Warning at Pearth, to the Ministers and professors, of this kirk, in q<sup>th</sup> they not only characteriz the opposers of these Resolutions as Malignants, by applying unto them the characters that were formerly given by this Kirk, whereby to know Malignants, but also (beside insinuationes made to the Civill Magistrate, concerning civill censures to be inflicted upon them, as appears from the 2 and 5 pages of their Warning,) they doe inhibit all speaking, preaching, writing against these Resolutions, and stirr up Presbyteries to censure all such in their bounds as so doe, and that by vertue of former Acts of Assemblies against Malignants, for clearing of which I shall set down a pairt of this warning:—

"Let faithfull ministers, as messengers of the Lord, stir up others, both publickly, by free preaching, and privately, by admonishing every one of his duty, as there shall be occasione, considering that silence in the publick cause, especially in publick persons not labouring to cure the dissaffectione of people, not urging them to constance and patience in bearing of publick burdens, nor too forwardness in the publick cause, that, speaking ambiguously, inclining to justify the wicked cause, uttering words which savor of dissaffectione, complaining of the times, in such a way as may steal the hearts of people from liking good instruments in this work, and, consequently, from Gods cause; yea, that some read publick orders, and speake against them in private conference, are reckoned

up among the corruptions and enormities of ministers in their callings by the Gen: Assem: 1646, Sess: 10; and because the Comissione of the Gen: Assem: in their Remonst: to the Comitee of Estates, July 6, 1643, teaching all true patriots and professors of religione, that they may learn to discern and know the Enemies of the Kirk, among other marks of Malignants, give this, their offering to Presbyteries, in all the quarters of the land, peapers contrair to the Declaration of the Comissioners of the Gen: Assem: The Gen: Assem: 1645, in their seasonable Warning, 12 Feber: gave these eharacters of secret malignants and discoverers, their slighting and censuring of the publick Resolutions of this Kirk and State; their labouring to raise jealousies and divisiones to retard the executione of what is ordained by the publick judicatories; their slandering these whom God hes used as his chief instruments in his work; their drawing of factiones for weakning of the common unione; their endeavours, sollicitationes, and informations, tending to weaken the hearts and hands of others, and to make them withhold their assistance from this work, enjoyning such to be weel marked, timeously discovered, and cairfully avoided, least they infuse their counsels in the minds of others; wherein they require ministers to be faithfull, and Presbyteries to be vigilant and impartiall, as they will answer the contrair to God and to the Gen: Assem: or their Comissioners. The Gen: Assem: 1646, Sess: 10, ordains, that, besid all other scandals, silencie, and ambiguous speaking in the publick, much more detracting and disaffected speeches be censured seasonablie. The Gen: Assem: 1647, Sess: 27, doeth, in the name of God, inhibit the spreading and dispersing of erroneous books or peapers, pamphlets, lybells, and letters, requiring all ministers to warn their flocks against such books in generall, and particular against such as are most plausible, insinuating, and dangerous; and ordains Presbyteries and Synods to try and process such as shall transgress, recommending to Civill Magistrats, that they may be pleased to be assisting to ministers and Presbyteries in the executione of this Act, and to concur with their authority to that effect. Therefore, for executione of the foresaid Acts of the Assem: and preventing the eminent danger of Religione, the people of God, and the kingdome, by practices leading to encourage the hearts and strengthen the hands of enemies in prosecuting their wicked purposes, to make faint the hearts and enfeeble the hands of Gods people, and to seduce their minds with divisive and separating counsels and principles, according to the power and trust committed to us, and according to the practise of former Comissiones of the Gen: Assem: we doe, in the name of God, inhibit and discharge all ministers to preach, and all ministers and professors to detract, speake, or write against the late publick Resolutions and peapers of the Comissione of the Gen: Assem: in order to the calling furth of the people for necessary defence of the cause and kingdome against the unjust invasione of these enemies to the cause of God and to y<sup>e</sup> government of this Kirk and kingdome, or to spread letters or any other peapers against the same, or in any other way to obstruct the serviee tending to the preservatione and defence of religione, King, and kingdome: Requiring ministers to warne their flocks of these peapers in generall, and particularly such as are most plausible, insinuating, and dangerous. And we doe seriously recommend to Presbyteries, that, with all vigilancy, they take speciall notice and tryall of such persons within their bounds, whither



such as have their station there, or such as, in the troublesome time, have their present residence, ministers or others, and impartially proceed against them, as they will be answerable."

At the same time they did write a particular order to Presbyteries for censuring of such, of q<sup>ch</sup> I shall here set down the true copy:—

"Reverend and weel beloved brethren: Finding that, notwithstanding of our faithfull Warning and great pains taken to satisfie all men, to concur, in their places, for furthering of the leavys for defence of Religion, King, and Kingdome, and all other our dearest intrests, many are so farr from concurring, that they doe very vehemently goe about, by preaching, writing, and perswadding to the contrary to obstruct the work; we doe, therefore, require that you carefully inquire, in your presbyteries, what ministers doe preach or otherwise persuade contrary to our present publick and published Resolutions, and that yee proceed to censure such as are of your own number; and if any ministers that travel amongst you transgress in that kind, let them not be permitted to preach in your bounds."

By these traveling ministers are meant some of the gracious ministers of Ireland, who were driven from their stations and forced to retire to this land, and some other faithfull ministers among ourselves, who were also necessitated to retire from their charges at that time, and were preaching to vaccant congregations, some in the West and some in Fyfe.

Upon the of May 1651, they made ane Act, q<sup>ch</sup> they sent with a Letter to Presbyteries, appointing such ministers, as did oppose y<sup>e</sup> Publick Resolutions, to be cited to the next Gen: Assem: at St Andrews. [Note by Wodrow.—"The copy q<sup>of</sup> I shall set down but it's blank in y<sup>e</sup> autograph."]

These Warnings, and Letters, and Acts, though stumbled at by many, yet were received and intertained by such Synods and Presbyteries, as were of the Commission's judgment, with respect and affection; and, by order from them, the Warnings were read publickly in the Kirks, and y<sup>e</sup> Acts were put upon record in their registers, and diligence was used thereupon, unto the censuring of some, and threatning of sundry w<sup>t</sup> censures, and citing of many to the Gen: Assem:

The pretended Assem: at Dundee, treading the same paths after the ratificatione of all these proceedings, did proceed unto the censuring of some of these who protested against their meeting and the ratifying of these Resolutions, and emitted a publick declaratione and made publick acts against all of their judgment and way in these particulars. The Declaratione is a litle book by itself, fraughted all alongst with hard representations against such, that the reader may judge *ex ungue Leonem*. I shall only set down the preface y<sup>t</sup> is therein used to usher in that purpose:—

"But, would to God we had this evill only within ourselves to fight with as in former times, and that Satan, having turned himself into ane angel of light, had not so farr abused the zeal and wit of some, and simplicity of others, as to open the gape of such a rent, q<sup>ch</sup>, of all other tryalls, is like to have the saddest consequences, if God prevent it not, concerning which we are necessitate to say, whatsoever have been the intentions of these who have been instrumentall in making of this rent from publick counsels and actings; yet the work itself, and the spirit that hath stirred in it, hath been and yet is most effectuell for carrying one of the enemies de-

signe. The Acts which they made for censuring of their opposers were these q<sup>ch</sup> follow:—\*

[Page 80.]

What these Acts include and how far they reach, is shown in a treatise of observations upon them already printed. It is, in a word, all the Ministers, Elders, Expectants in the Church of Scotland, who doe not acknowledge that Assem: or oppose the Resolutions thereof, or doe not acquiesce to the Acts and Constitutione thereof, are to be laid aside, discharged, silenced, suspended, or deposed; yea, all the Ministers, Elders, Expectants, or Professors in the Church of Scotl: who doe not acknowledge that Assem: or who doe oppose y<sup>e</sup> Resolutions thereof, or doe not acquiesce to the Acts and Constitutione thereof, are made lyable to excommunication, if, after conference, they doe not receive satisfactione.

As if it had not been enough to deal thus with them at home, y<sup>e</sup> Commissioners of this pretended Assem: in their informatione to their Brethren in England, from their meeting at Forfar, August 12, 1651, doe represent them thus:—

"Yet in these last and perillous times, wherein the Spirit of Error is wise to palliate his lyes with the pretence of piety, there are among ourselves a few unsatisfied, of whom some have been held in high esteem, before this time for their works sake, and with whom we have dealt with all tendernes, in the spirit of meeknes, for their reclaiming; who, to the great advantage of the common adversary, and to the weakning the hands that were at the work, have opposed these just and necessary Resolutions, and actively obstructed the use of the lawfull and only likely means left of oppositione to the prevailing enemy, seting on foot a State separatione, which necessarily tends to a Kirk separatione; wee need not warn you, dear brethren, who are acquainted with the policies and practises of these, that, among yourselves, under the specious name of the Godly Pairty, have carried on a devilish design of undoing Kirk and State, and setting up a boundles toleration and arbitrary Government, to beware of misinformatione from such men to take impressione upon you. Their actiones at home, to sail every wind, and to roll every stone for their own advantage and prejudice of y<sup>e</sup> publick, induceth us to beleive that they have not been idle towards you, but active by their emissaries and peapers, to abuse you with misreports, and to preposses you with prejudices aganist our proceedings; but we are confident that yee who have had so great proof of the faithfulness of the Judicatories of this Kirk in guarding warrily against enemies one both hands, as weel Malignants as Sectaries, have not suffered yourselves to beleive evill of your brethren; and we doe earnestly beseech you to beware, that the trust q<sup>ch</sup> any have had from us. and the estimatione they had among you while they were about the discharge of that trust, be not inductive of your being now deceived by them whose principles and practises, whatever their intentions be, tend to the giving up of you and us unto the power of the avowed enemies of Christ's Kingdome."

1651.

*Excerpts from Balfour's Annales of Scotland.*

12 Jarij: Sunday. This day Leiutenant General Midiltone was relaxed from his excommunication.

\* Vido antc, p. 636.



tion, and did his penance in sackcloth in Dundie church; and Collonell Arehbald Strachuan was excommunicat and deliuered to the Deiuell, in the churche of Perth, by Mr Alexander Rolloke, the same day.

One Tuesday, the 20 of Februj, 1651, his Maiestie and Committee of Estais, by ther acte, ordaind Mr James Guthrie, minister at Stirling, and his coleauge, Bennett, quho had exeused ther not compirance the day befor, being wrettin for to come to Perth, and ther to remaine confynned from returning to Stirling, untill his Maiesties returne thither from the northe; his Maiestie being no souner gone vpon Fryday, bot they come to Perth and dealls with the Committee ther. that they may returne back againe to Stirling. To gratifie them, the Chanceler calls a committee of his auen stampe one Saturday, thinking to earrey by voyces, since, as he thought, maney of the barrons and burrowes, eommitte men, wer gone offe the toun. Bot they being adwertissed of the bussines, and considering the importance of the same, most of them stayed. After muche debait, wither or no thesse tuo ministers should stay in Perth, conforme to the former acte, untill his Maiesties returne baek, ore goe back to Stirling? The Earle of Cassiles said, quhat if his Matie did neuer returne, was it ressonne that they should stay from ther charge? Maney honest men of the committee wer offendit with this expressioun of Cassiles, and the Chancelers too forwardnes; bot at last it went to a wotte, and was carried, that conforme to the former ordinance, Mr Guthrie and Bennett should stay confynned in Perth, and not goe backe to Stirling untill his Maiesties returne from the northe. Guthrie, a pryne enimey to monarchie, a cheiffe plotter of all the western remonstrance, diuisione and mischeiffe, and a maine preacher for the seetaries.

*Mr James Guthrie and Mr David Bennett, ministers at Stirling, ther Protestatione, giuen in to the Committee of Estais, at Perth, 22 Februarij, 1651.*

Quheras the Kinges Maiestie and your Lordships haue beine pleased, vpon a narrative relating to our doctrine and ministeriall dewties, to desyre and requyre ws to repaire to this place, aganist the 19 day of this instant; that after heiring of ourselues, suehe coursse may be takin as shall be found most necessarye for the safety of that place quherin wee serue in the ministrie: Therfor conceauing the iudicatories of the churche to be the onlie proper iudges of our doctrine and our cariages in those things that concerns our ministeriall calling; and wee doe for the respecte wee [haue] to his Maiestie and your (Lo:) authority, compeir at this tyme, being desyrous to heir quhat is to be said wnto ws, and redey to anssuer therwnto; so wee humble protest, that our compirance is with preservatione of the liberties and prauilidges of the Churche of Seotland, and of the ministers and seruants of Jesus Christ, in thesse things that doe relait to ther doctrine and the dewties of their ministeriall function. And that tho wee be most willing to rander ane ressonne of our wretting to the Commissione of the Generall Assemblie, a letter, containing the groundes of our stumbling at the present resolutions of this kirke and stait, in order to a leuie, and of our preacheing aganist thesse resolutions, as involuing ane coniunctione with the malignant partie in the land, wiehe wee hold to be contrair to the word of God, to the leauge and eouenant, to our solemne ingagements, and to the con-

stant tenor of the declarations, remonstrances, warninges, causes of humiliation, and vther resolutions of the kirke those zeires past; and to be destruetiue to the couenant and eaus of God, and scandalous and offensive to the godlie, and a heighe prowoking the eies of [the] Lords glorie. And of our protestinng aganist ane appealling from the desyre and ehairge of the Commissione of the Generall Assemblie in this particular, and in our persisting in preaching the same doctrine. Zet that our compeiring befor the Kinges Maietie and your (Lo:) doeth not import ane acknowledgment in ws, that his Maiestie and your (Lo:) are the proper iudges of those things; and this protestatione wee make, not for aney disrespectes to the Kinges Maiestie and your (Lo:) authoritie, not to deelyne or disobey the same in aney thing euill, bot from the tender regaird wich wee haue to the libertie and prauilidges of the church of Jesus Christ, wiehe his Maiestie and your (Lo:) and wee are in a solemne way bound to manteine inuolable. Wee acknowledge that the Kings Maiestie and your (Lo:) are the lafull authoritey of the land, to quhome wee shall be most willinge and redey to giue obedience in all wich wee shall be commandit, according to the will of God; or if in aney thinges your commands shall fall out to be contraire to that reule, wee shall patiently, in the Lords strenthe, submitt ourselue to aney euill eensure that ze shall thinke fitt to infliete vpon ws.

*Sic subscribitur,*

Mr JAMES GUTHRIE,  
Mr DAVID BENNETT.

[13 Mareh.]—The appell giuen in to the Com: of the Generall Assemblie be Mr James Guthrie and Mr David Bennett, with ane letter from the Committee of Estais to the said Mr James and David, of the 14 of Februarij, with ane other letter lykwayes to them of the 19 of Februarij; together with the said Mr James and David, ther tuo anssuers and protestations therto, bothe of the 22 of Februj: in seuerall papers, read in parliament, and giuen vpe to Mr Thomas Hendersone.

Monday, 17 Martij. 4 dies parliam: Rege presente.—Remittes to the Committee for the Conference to conferre with the Commissioners of the Generall Assemblie, anent the othe to be takin by all the officers of the army.

Wedinsday, 19 Martij. 6 dies parlia: Rege presente.—Petitione from the Com: of the Generall Assemblie to the King and estais of parliament, read.

The Kinges Maiestie and parliament, after weinng of the quere after speit, viz. wither or not it be sinfull and vnlawfull, for the more effectuall prosecutione of the publick resolutions for the defens of the cause, King and kingdome, to admitt such persons to be members of the Comittee of Estais, quho are noue debarred from publick trust; they being suche as haue satisfied the kirke for the offensees for wiehe they were excludit, and are sincee admitted to enter in eouenant with ws? This quere ordred to be sent to the Commissioners of the Generall Assemblie, wiehe accordingly was done by the Earle of Eglintone.

Perth, 20 Mareh, 1651.

*A shorte Exhortation and Varning to the Ministers and Professors of this Kirk, from the Commissione of the Generall Assemblie.*

The eminent danger of religion, Kinge and kingdome, by the vniust invasione of the blasphemous



sectarian army, the sad condition of our countrymen in the south parts of the kingdom, groaning under the grievous oppression of strangers, devouring their substance and enslaving their persons; the sad silence in many congregations, quhosse teachers are driven into corners by the violence of the enemies, contemners of Gods ordinances, and mockers of his messengers; the adversaries roaring and making a strange noise in the midst of some congregations; the inevitable hazard of our dear brethren to be seduced into pernicious heresies and errors, by the deceitful practises and speeches of sectaries, that are coming to deceive and speak lies in hypocrisy; the innocent blood of our brethren, murdered by the sword of a mercenary enemy; the sighing of the prisoners, inhumanly and cruelly used by those who keep them prisoners; the care of preserving our posterity from being sunk under the dark dungeon of error, and fast bound with the heavy chains of basest slavery, do cry so loud in the ears of all who have ears to hear, and a heart to understand, to be awake and quickened unto the necessary duty of the time; that it is an wonder that any Jonah should be found fast asleep in so great a storm, wherein this kirk and kingdom are like to be overwhelmed: yet the constancy of our duty, according to the trust committed to us, and the carriage of some, who, oppressed with a lethargy, lie still, or seased upon by a benumbing coldness, move slowly; or carried about with the wind of strange doctrine, as children are tossed to and fro, and move contrarily; constrain us to lift up our voices, and from the watch tower whither we are set, to give warning to the professors and ministers of the gospel throughout the land, and to waken them up to their duty, as they would avoid the displeasure of the Almighty, and escape the deserved punishments and censures, which may be inflicted by judicatories, civil and ecclesiastical, respectively, upon deficiencies in, and delinquents against duty, according to the degree of their offence. We exhort all men unto repentance, to returne from the evil of their thoughts and ways, and to mourn after the Lord; coming to him through the Mediator of the new testament, by whom we have an atonement through faith in his blood. It is more than high time for all to be humbled under the mighty hand of God, who hath cast us down, and is able to raise us up againe, who hath wounded, and is able to bind up our wounds. To this effect, we have appointed a solemn day of fast and humiliation, for the causes sent to the severall presbyteries.

It is the duty of the members of this kirke, and subiectes of this kingdom, at this time, most cheerfully, unanimously, and speedily to come out, and concur in the common defence of religion, King and kingdom; endangered by the unjust invasion of forrainers, according to call and command of authority. Let it be seriously layed to heart, how much blood is spilt; how many towns and shires are spoiled; how miserable our brethren are distressed and oppressed; how much the common enemy is strengthened, whill you be only preparing for reliefe; whatsoever is done to the least of them for this cause, is to be taken as done to us all in general, and every one of us in particular, according to the expresse word of the national covenant; and in plain termes, we are obliged by the sole league and covenant, to assist (which necessarily imports concurrence) and defend all that enter the league and covenant, in the maintaining thereof. We obtest and exhort you, for the interest we

have in the common adventure of these rich goods, our lives, our liberties, our King, our religion, which are all embarked in one bottom, that ye abandon not the ship of the commonwealth in this tempest; for if the ship perishes, what can be said that is within. If you tender true religion, you see how the sectaries shew themselves plain enemies thereto, and maintaine that impious monster of toleration, though religion were not the question. Let loyalty to your King, the only King in the world who is in a religious covenant with God and his people, animat you against these who are his enemies, because he is a King, and because covenanted. Cast not off the care you ought to have of your country, which you see manifestly and violently ruined before your eyes. If these will not move you, (wee speake the language of our worthy reformers, in the like case of invasion by forrainers) remember your wives, children and posterity, your ancient heritages and houses; and be sure these strangers will not regard your rights, whensoever occasion shall serve. And if ye purpose (as wee doubt not but all these who have ather wit or manhood will declare, and prove indeed) to brooke your ancient rooms and heritages, defend it valiantly by your courageous progenitors against all strangers, invaders of the same, (such as the sectaries are this day); if you will not be slaves to them, and have your lives, your wives, your children, your substance, and whatsoever is dear unto you cast at their feet, to be used and abused at the pleasure of strange shouldiers; if ye will not have experience some day in your own persons, (as wee suppose the least of you would not gladly have, but would rather chuse with honor to die in defence of his own native home, then live and serve so shamefull a servitude); then, brethren, joine with the forces of the kingdom, and both with wit and manhood oppose the common enemy, or else our liberty shall be hereafter dearer bought. Lett not be so unhappie and mischivous, and so withdraw himselfe herefrom.

Except men will blot out of their hearts the love of religion, cast off loyalty to sovereign authority; and lay aside all care of their country, laws, liberties and estates, zeal, all natural affection to the preservation of whatsoever is dearest to them under the sun, (all being in a visible danger of ruine and destruction) they must now or never appeare actually, each one stretching himselfe to the uttermost of his power. It is no time now to delay nor goe about the busshines by halves, nor be almost but altogether zealous. The Scripture pronounceth him accursed, that doeth the work of the Lord negligently, that cometh not forth to the helpe of the Lord against the mightie. If we have bene forward to assist our neighbour kingdoms, shall we neglect to defend our own? or shall the enemy of God be more active against his cause, then his covenanted people for it; God forbid! If the work shall now miscarry and fail in our hands, through our unfaithfulness, our own consciences shall condemn us, and posterity shall curse us. Who knowes, but if we stand stoutly and steadfastly to it, the Lord may yet command our deliverance, and shew us his salvation.

Let all sorts, both of high and low degree, in this kingdom, call to mynde their solemn covenants; and namely, that article of our national covenant, which obligeth us not to stay or hinder any such resolution as by common consent shall be found to conduce for the ends of the covenant, but by all means to further and promote the same; which layeth as a bond upon peoples consciences, redde



to obey suche orders as by the publicke resolutione of the parliament, and Commissione of the Generall Assembly, are found necessarye for the prosecutione of the warr; and that artickell of the solemne leauge and covenant, wch oblidgethe ws not to suffer ourselues, directly nor indirectly, by quhatsoever combination, persnasione, or terror, to be deuydit and withdrawin from this blisshed vnion and coniunction, or to make defectione to the contrarye part, or to giue ourselues ouer to a detestable neutrality in the cause; according to wch artickell, mens reality and integrity in the covenant will be manifest and demonstrable, als weill by ther omissions as commissions: by ther not doing good, as by ther doing euill. He that is not with ws, is aganist ws, and he that gathreth not with ws, scattereth. Since euerey mans not aduenturing his persone, not sending out thesse that are vnder his power, according to publicke order and appoyntment, and not paying the contribution imposed for mantinance of the armye, haue beine formerly esteemed a ground of judging men enimies, malignants, and covenant breakers, wee vishe it may be the caire of all to shune the wayes that may bring them vnder thesse foull charecters, and quherby they may rune themselues vnder the hazard of the displeasure of God, and censures of the kirke, and no doubt of ciuil punishment also to be inflicted by the stait.

Lett ministers, as the messingers of the Lord, sture vpe others, both publickly, by free and faithfull preaching, and priuatly, by admonishing eurey one of his deutey, as ther shall be ocaseione, considringe, that silence in the publicke cause, especially in publicke fastis not laboring to cure the dissaffectione of people; not vrving them to constancie and patience in bearing of publick burdens, nor to forwardnes in the publicke cause; that speaking ambigouslie, inelyning to iustifie the wicked cause, wtring wordes wiche sauer of disaffection, complaining of the tymes in suche a way as may steall the heartis of people from being good instruments in this worke, and consequently from Gods cause; that some reiding publicke orders, and speckes aganist them in priuat conferences, are reckoned vpe amongst the enormities and corruptions of ministers in ther callings. By the Generall Assembly, 1646, sess: 4.

And because the Commissione of the Generall Assembly, in ther remonstrance to the Conuention of Estaites, 6 Julij, 1643, teaching all trew patriotts and professors of the reformed religion, that they may learne to know and descerne the enimies of the kirke, amongst other markes of malignancey giue this ther offring to presbeteries, in all the quarters of the kingdome, papers contrarye to the declarations of the Commissioners of the Generall Assembly. The Generall Assembly, 1645, in ther reasonable warning, 12 Februarij, gaue thesse characters of secrett malignants and discouenanters, ther slighting or censuring of the publicke resolutions of this kirke and stait; ther laboring to raisee jelosies, diuisions, to retarde or hinder the executione of quhat is ordained by the publicke iudicatories; ther censuring and slighting of thesse quhom God hath used as his cheiffe instruments in this worke; ther drawing of parties and factions for weakning of the comon vnion; ther endeworing informations and sollicitations, tending to weakin the hartis and handes off others, and to make them withhold ther assistance from this worke; enioyning such to be weill marked, tymly discovered, and cairfully awoyed, lest they infusse ther counsellis into the mynds of others, quherin they requyre minis-

ters to be faithfull, and presbeteries to be vigilant and impartiall, as they will anssuer the contrarcy to God, and to the Generall Assembly, or thier Commissioners. The Generall Assembly, 1646, sessio 10, ordaines, that besydes all vther scandels, silence and ambiguous speaking in the publicke, muche more detracting and disaffected speiche, be seasonable censured. The Generall Assembly 1647, sessio 27, doeth, in the name of God, inhibit the spreiding and dispersing of erroneous books or papers, pamphletts, lybills and letters, requyring all ministers to warne ther flockes aganist suche bookes in generall and particular; and particularly aganist suche as are most plausable, insinuatting and dangerous; and ordaines presbeteries and synodes to tray and processe suche as shall trangresse; recommending to ciuile magistrats, that they may be pleased to be assisting to ministers and presbeteries in the execution of this acte, and to concurre with ther authority for that effecte.

Therfor, for execution of the forsaides actes of Assembly, and preuining the eminent danger of religion, the people of God, and the kingdome, by practisses leading to encourage the heartis and strenthen the handes of enimies, in prosecutting ther wicked practisses and purposes, to make fant the heartis and enfeeble the handes of Gods people, and to seduce ther myndis with diuisiue and sepe-rating counsellis and principalls, according to the power and trust committed to ws, and according to the practisses of former Commissions of the Generall Assembly: Wee doe, in the name of God, inhibit and discharge all ministers to preache, and all ministers and professors to detracte, speike or weatt agauist the lait publicke resolutions and papers of the Commissione of the Generall Assembly, in order to the calling furth of the people for the necessarye defence of the cause and the kingdome aganist the uniuist invasione of thosse enimies to the kingdome of God, and to the gouernment of this kirke and kingdome; ore to spred and disperse letters, informations, or aney other papers aganist the same; or in aney other way to obstructe that seruiue, tending to the preservation and defence of religione, King and kingdome: requyring ministers to warne ther flockes of thesse papers in generall, and particularly suche as are most plausible, insinuating and dangerous; and wee doe seriously recommend to presbeteries, that with all vigilancey, they take special notice and trayell of such persons within ther bounds, wither suche as haue ther station ther, or suche as, in this troublesome tyme, haue ther present residence, ministers ore others, and impartially proceid aganist them, as they will be anssuerable; and to report ane accompt of ther diligence herin to this commissione, from tyme to tyme.

Thoughe our difficulties be maney and growing, zet quhen wee looke backe vpon the grate thinges wch God hath done for ws and for our predecesors, and our manifold delinerances out of seuerall dangers and difficulties wch appeired insuperable, experience breides hope. Our fathers trusted in God; they trusted in him, and he did deliuer them; they crayed wnto him, and wer deliuered; they trusted in him, and wer not confounded. Let ws wait vpon him, quho hydeth himselue from the housse of Iacob; let ws cray wnto the Lord of Hostis, quho hathe deliuered ws, and doeth deliuer ws; and in him lett ws trust that he will zet deliuer ws; though for a small moment he hath forsaken ws, zet with grate mercies he will gather ws. He quho hath shewed ws grate and sore troubles, shall quicken ws againe, and shall bring ws vpe again from the deipthes of the earthe; he shall encrease



our strenthe, and comfort ws on eurey syde, aganist our feares one eaurey syde; onlie be stronge, be of good courage, be of one mynde, and according to the worke of the Lord, and the God of love and peace shall be with you.

*Sic subscribitur,*

W. KER.

[20 Martij.]—Ordred that it be putt one the Commissione of the Generall Assembly, that Stirling receaue no præiudice by Guthrie and Bennitt, ther preaching, or ther being ther.

[21 Martij.]—Ordred that a barrone and a burgesse goe with the Earle of Eglinton to the Commissione of the Kirke, and enquire for ther anssuer to the quere proposed by the parl: to them.

[22 Martij.]—The Com: of Generall Assemblies anssuer to the parliaments quere, reed; being a delay of a full anssuer to the said quere, wntill ther be a more frequent meitting of the said commission; zet in ther paper, they desyre the King and parl: to admitt vpon ther counsells, all bot some few as haue beine pryme actors aganist the stait, &c.

Saterday, 29 Martij. 14 dies parl: Rege presente.—Ordred that my Lord Chancellor and my Lord Balcarra draw vpe a letter to be sent to the Commission of the Generall Assembly, that they wold haist ther meitting for remouing that obstikelle and scruple of taking in all remoued by the acte of classis; and that ther may be a generall vnity in the kingdome.

*The anssuer of the Commission of the Generall Assembly to the paper sent to them for the King and parliament, concerning Mr James Guthrie and Mr David Bennet.*

Perth, 18 Martij, 1651.

The Commissione of the Generall Assembly hauing receaued first from Mr James Guthrie and Mr David Bennett, ministers at Stirling, and afterward from the Kings Maiestie and parliament, tuo protestations made by thesse brethren aganist the proceedinges of his Maiestie and the Committee of Estaits with them, in relatione to the securing of Stirling from aney danger wiche might ensew therinto, by the doctrine and carriage of the said brethren, contrair to the present publicke resolutions, in relation to acting for defence of the kingdome and cause against the publicke enimey; and being desyred by his Maiestie and parliament to giue ther adwise and oppinione, wither the Committee of Estaits, in ther proceeding with ther brethren, hes done aney thing preiudiciall to the preuiledges and liberties of the kirke; to vindicat the publick resolutions of kirke and stait, in order to acting aganist the enemie, from the imputatione layed therone in the forsaid pretestations; to giue ther oppinione, wither the Committee of Estaits hes wronged ther brethren, contrair to the law of nature, the law of God, and the lawes of the land, by ording them to remaine at Perth or Dundie, wntill his Maiesties returne from Aberdeine; that in a more full meitting of the committee it might be determined quhat should be done further with them, in relatione to the saftie of Stirling; and finally, to giue ther adwise quhat now shall be done further to the presenters of the forsaid protestations, for the securing of the garisons of Stirling. Therfor the commission, hauing takin to ther consideratione the forsaid protestations, and being informed of the proceedinges of the committee with the presenters therof, haue thought fitt, in obedience to the desyre of the King and parliament, and for the discharge of the trust comitted to them, to giue this declaratione and anssuers followeth:—

1. That they find it a thing lawfull for ministers, citted and compeiring befor the ciuile magistrate, vpon matters relatinge to ther doctrine and earriage in ther ministeriall dewties, to protest, that ther compirance be with preservation, and without all preiudice of the liberties and preuiledges of the kirke and of the ministers of Christ, in thesse things that relate to the doctrine and dewties of ther ministeriall function; and that the forsaid brethren compeiring, vpon matters of that kind, befor the committee, had no wayes faylled in doing so, had they contented themselues with a simple protestation to this purposse.

2. That they doe not find that the Kinges Ma<sup>tie</sup> and Committee of Estaits, in requyring the forsaid brethren to compeir befor them, or the Committee of Estaits, in ordaining them to stay at Perth or Dundie, wntill a fuller meitting of the committee, haue not trenched or ineroched vpon the liberties or preuiledges of the kirke, or wronged the same in aney wayes; for, first, quheras, in the first protestatione, made vpon the King and committees requyring the brethren to compeir, and ther compirance, the ground of the protestation is layed doune to be, that they wer citted vpon a naratiue relating to ther doctrine and ministeriall dewties, and that the judicatories of the kirke are the only and competent judges of thesse things. These is so far from evidencing aney inerochment made by the King and committee vpon the preuiledges of the kirke, that one the contrarcy, as thus layed doune, without aney qualificatione, it importeth a grate wronging of the iust right of the ciuill magistrat, as if it wer not proper to him in aney caisse to judge of thesse matters, which is contrair to the doctrine of the quhole Reformed Kirke in generall, and particularlie of this Kirke of Scotland; to witt, that the ciuill magistrat hes power and authoritie, and is oblidged, in his ciuill and cocerue way, to censure and punishe idolatrie, schisme, vnsound doctrine, ministers neglecte or perwersnes in doing ther ministeriall dewties and functions: and if he may and ought to censure and punishe thesse things, may be not citte ministers to compeir befor him, vpon ane naratiue relating to thinges of that kynd, without encroching or wronging the liberties and preuiledges of the kirke?

The Generall Assembly of this Kirke, in A<sup>o</sup> 1647, in ther approbatione of the 8 heades of the 3 propositions, (wich wer recommended to be examined by the theologicke faculties for a more particular approbatione of the assembly) holdeth furthe, that notwithstanding the ecclesiasticke gouernment is intrusted and committed by Chryste to the Assemblies of the Kirke, &c. &c. zet the ciuill magistrat ought to suppress, by corporall or ciuile punishment, suche, as by spreding errors or hercsies, or by fomenting schisime, gratly dishoners God, dangerously hurte religion, and disturbe the peace of the kirke; and the same propositions proposed, holdethe furthe, that the orthodox kirkes beleieue, and doe willinglie acknowledge, that eurey lawfull magistrate, being appoynted the keper of bothe the tables of the law, may, and ought, cheiffilie to take caire of Gods glorie, &c.; as lykwayes, to punishe als weill atheists, blasphemers, heretickes, and schismaticke, as troublers of justice and ciuile peace; and propo: 63, the same sin, in the same man, may be punished one way by the ciuile magistrat, and ane vther way by the ecclesiasticke power; by the ciuile power, wnder the formalitie of a cryme, with corporall or pecuniall punishment; by the ecclesiasticke pover, wnder the notion and nature of a scandall, with spiritual censure, euen as the same



ciuill questione is one way handled by the magistrat in the senat, and ane other way by the ministrie in the presbeterie. See also the lait Confessione of Faith, in the head of the ciuile magistrat, and Dido-claius, in his *Altare de primatu regio*; and Mr Rutherford, in his dew right of presbeteries, is werie full and cleir; as page 287, A poner external obiectione about kirke matters, as to cause kirkmen doe ther dewtie, is proper to the magistrat: page 393, in his 3d conclusion, especially 394, The King is not only to punish quhat is contrair to externall quietnesse, bot also quhat is contraire to supernaturall happinesse of the kirke; for he is to take vengeance vpon blasphemers, idolators, profest vnbelievers, neglecte of religious administratione of sealls, and the eating and drinking damnation at the Lords table; and page 397, The King, as a nursinge father, ought to see that the chyldes milke be good and quholsome, though it come not out of his auncle breist, so that it seemeth werie strange that the magistratts requyryng these brethren to compeir vpon a narrative relatinge to ther doctrine, &c.; and the alledgeance that the magistrat is no proper iudge in suche matters, should be made the ground of the protestation, as if the magistrat could in no wise lawfully, as a iudge, interposse himselfe in matters of that kynd. If to all this the brethren should say, that quhat they seike of being citted vpon a narrative relatinge to ther doctrine and ministeriall dewties, &c. and the King and committee as not being proper judges in these thinges, as the ground of ther protestation, they meane it in a way antecedent to the kirkes judgging. To this it is answered, that it is trew indeid that the magistrat ought not to judge ministers in the matters of ther doctrine and ministeriall dewties, by ane antecedent judgement; bot first, ther is not one sylable of this qualification wssed in all the first protestatione made vpon the citatione and compirance befor the committee. Secundo, the committee hes not proceeded with them in a way antecedent to the kirke judicatorey, quich is the cheiffe thing to be obscrued for cleering bothe the requisition and the committees ordinance for ther abyding in this toune or at Dundie from the imputatione of incrotching vpon the liberties and preuillidges of the Kirke; for quheras the Commission of the Generall Assembly hes not only giuen ther judgment in poynt of conscience concerning the coursse to be takin for acting aganist the publicke enimey oppressing the land by vniust violence, bot also finding that these brethren wer preaching aganist that publicke resolutione, to the hindring and obstructinge therof, and making a dangerous diuision in the kirke and kingdome; and being desyred by the last session of the parliament to take some coursse for preuenting the danger, by vssing diligence to satisfie the brethren, and inducing them to concurre, at least not to hinder the publicke resolution. The commission had accordingly, at St Andrewes, takin paines for satisfing them; and not hauing obtained that, had judicially desyred the brethren not to speike or doe ancy thing to the hindring or obstructing acting according to the publick resolution; and quheras the brethren had protested aganist that desyre of the commission, and appealed to the Generall Assembly; and the commission, according to the command of the parliament, had made knouen to the Committee of Estaitis the quhole proceeding at St Andrewes: how can it be said that the committee hes takin ancy antecedent judgement vpon them in this matter? or how can it be sayed that ther hes not preceidit ane antecedent judgement of the kirke, so far as is sufficient for the magistrat, in ane orderly way, to interposse his authority, that

the brethren may not, by ther preaching and doing contrair to the publicke resolution, make aney diuision in the kirke and kingdome, or endanger the same, to the violence of the enimey? Tertio, lett it be considered, that the Kinges Maiestie being bound to follow, not only the judgement of the Generall Assembly in maters that concern religione, bot also of the commissione in the interwalls of the Assemblies; and now, quhill in prosecution of the aduice of the commissione, he and the estaitis are following ane necessarie dewtie for preseruacion of the kirke, kingdome, liberties, liues, and all that is deire vnto vs; and they find the commissions desyre to those brethren aganist ther preaching, to the obstruction of the publicke bussines and resolutions, protested and appealed from, and a publicke profession made by the brethren of ther purp is to continew still preaching, contrair to ther resolutions, to the slaking of the hands of the people of God in the land, and strentlining of the handes of the enimey: shall it be judged vnlawfull for the King and the estaitis, or counted ane encrotching vpon the liberties and preuillidges of the kirke, to doe so much as requyre those brethren to compeire befor them, or to ordaine them to abyde some tyme at distance from ther chairge, for restraining this euill, and preuenting so grate a danger as might ensew vpon it? Nay, certaintie wee cannot bot conceaue it rather ane adding of the magistrats auxiliatorie and cumulatiue power, for strentlining the kirke judicatorey. As to that, the brethren sayes they haue not bein befor conueined befor aney ecclesiastick judicatorey, nor conuicted for breache of ancy ecclesiastick acte; for the first, wee say, tho they wer not conueined by a summons, a more tender respecte being hade towardes them, yet wer they delt with by a kirke judicatorey vpon the matter in hand.

And for the second, lett it be considered, if ther publicke acknowledgement of preaching aganist the publicke resolution of the commission, and protestation aganist the commissions desyre to abstaine therfra, and professed resolutione to continew therein, to the dewyding of the people of God in this land, and obstructing the seruice for defence of the kingdome and cause, be not equivalent.

Tertio, The commission does find that the brethren, in ther first protestation, renewed and owned againe, in the quhilk they make a profession of ther willingnes to render a resson for ther wretting to the commission, &c. a foull and most vniust aspersion to charge the commissione in going in a contrarietie to the word of God, to the soleme leauge and couenant, our woues, engagements, declarations, fastings, in a coursse destructive to the couenant and cause of God, and prouoking of the eyes of the Lordes glorie.

2. The chairge is most vniust, for how shall it be made out that the resolutione of the commission involved a coniunctione with a malignant partey, wiche alledgeance is the fundatione of all the rest? Does not the resolutione of the commissione expressly except suche as continew obstinat enimeis to the couenant and cause? that is, suche as continew in malignancey, or are aney quho haue bein one malignant coursses, admitted to our knowledge, or with our approbatione, bot suche as giue satisfaction for ther offence; and how can or ought men, renouncing ther malignancey, satisfing for ther offence, giuing therby, according to the ordinances and reuells of the Generall Assembly, be still reput malignants? and how can a coniunction with them, after suche satisfacione, be counted a coniunction with malignants, or the malignant partie? Quhay should the Gen: Ass: prescribed reuells for re-



ceaning suche as haue beine vponne malignant courses, if the purpose of the kirke was not to admitt them to repentance, and if to repentance, certainly to all the ordinances; and if to ordinances, quhat shadow of resson can ther be not to admitt them to fight for ther liues, religion, King and countrie? especially one of the particulares prescriued in reeeauing of them, be the renewing of the leauge and couenant, wich layeth vpon them to defend religion, &c. all persons that lies beine in a way of malignancey, will ather satisfie not. If they satisfie according to the acte of the Assembly, they must reneu the leauge and couenant, and be admitted to the ordinances; and so, by far grater resson, to fight in defence of the kingdome, &c. If they satisfie not, (as they will neuer be accounted to satisfie by the commissione, wnesse they doe it according to the reuells of the assembly,) they are to be excommunicat, and so are excludid by the resolutione of the commission.

Tertio. This aspersion heire is cast vpon the commission without aney necessity; ther protestatione wold haue beine full and compleit aneuche, tho nothing of this had beine insert; for quheras the letter of the King and committee sent to the brethren, requyring them to compeire at Perth, makes relatione to ther wretting a letter to the commission contrair to the publicke resolution, and ther protesting against, and appealing from the commission at St Andrewes, (in order to wich relatione, the brethren takes occasion to insert all this protestation,) that was not intendit as a matter they wer to be challenged vpon by the Committee of Estaits, bot only sett doune as a ground quhervpon the committee perceaued they wer resolved to continew in ther preaching against the publicke resolution; and that therfor the committee behoued to see to the securing of Stirling, from the danger wich might ensew vpon ther protestation; bot to cast ane aspersion vpon the commissione, in all papers that should flow from them, vpon the proceedinges of the kirke and estaits with them.

Quarto. That wee not being judges in ciuile matters, cannot determine wither the Committee of Estaits, in ther order of proceiding with the brethren, and ordaining them to abyde at Perth or Dundie, wntill a fuller meitting of the committee, hes wronged them in aney preiulge dew to the subiects, by the law of nature ore the lawes of the land; and wee doubt not bot the Committee of Estaits will endeuore to cleire ther auen proceedinges.

Quinto. That nather is it competent to ws to giue ane adwyse quhat should be further done by the King and committees in relation to ther forsaid brethren, for securing of Stirling from the danger that may ensew vpon ther opposing the publicke resolutions; onlie wee expeete, and are confident, that his Maiestie and estaits, as they haue begune, so they will continew to deall with thesse brethren with all tendernes, in sua far as may consist with the security of that place wherin they shall be, and preseruatioun of the cause and kingdome.

*Sic subscribitur,*

A. KER.

1 Maij.—The parliament that wes adiorned wntill the 17 of Apryle this zeire, wes adiorned againe wntill Wednsday, the 21 of Maij.

In Apryle, this zeire, the Commiss: of the Generall Assembly mett at Falkland; they wrett letters to the Committees of Estait and for the Armeie, that they wold now leaue the particulare intrests, and joyne cordially against the publicke enimey, and emitted a declaration for that purpois; and appoynted a meitting at Stirling, one Tuesday the 13 of Maij, to giue their oppinion anent the lawfulness

nes of the acte of classis, and if without sin it might be reschindit or not.

The 6 of Maij, ther was a grate meitting of the Committee of Estaits at Stirling, quherin the electing of the Earle of Calender to be Felte Marishall of the Armeie, that had now ioyned himselue to the Campbells, wes waued and putt offe; and 2 Generall Maiors of Footte chosen, viz. Collonell Pit-scottey, and Dalzell of Binns. At this meitting, lykwayes, it was ordained that the Committee of Estaits shoulde not medle with the adorning of the parliament, wntill the 20th of Maij instant, at wich tyme ther was a frequent meitting of the said committee appoynted; and then the Commission of the Generall Assembly wold present ther oppinion anent the acte of classis.

Oliuer Cromwell, with his armye, being at this tyme in Glasgow, had a conference with 8 ministers, anent the lawfulness of his engagement aganist this countrie and kingdome; he gaue them some papers, wich they answered ex tempore, and proued to his face his periurey and breache of couenant and leauge, and his sinfull rebellion and murther, contrair to [the] expresse word of God, and leauge and couenant suorne by himselue and most of his complices. He toke the morrow at 3 in the afternoone to his further conference with them; and maney of his cheiffest officers did openly aeknowledge, they were conuincid in reson, and neuer till now did see the weeknes of ther auen grounds. In place of keeping the appoynted meitting, (seing a fyre to begin to kindle amongst his auen) aboute midnight that same day, he commands all his armye presently to marche, wnder the paine of death, baeke towarde Edinbrughe; and empties all his garisons be west Linlithgow; sends his horses towards the Border, and with grate haist, with his footte, returns to Edinbrugh and Leith; and is now bussie in repairing the breaches of Edinbrughe castle.

*Mr Robert Blair, his animaduersions one the remonstrance emitted by the resterne forces, Octob: 1651.*

Ther is no questione maney sade truthe ar layed doune in the remonstrance, vsse quherof wold be made, and remeid therof wold be sought in a right way; bot wnder the pretext therof to make a secessione from the publicke counsells and fores of the kingdome, and to gratifie the wicked inwader of the land, by laing opin the nakednesse of the reulers, exaggeratting euey miserie or appeirance, as if they had bein hyred by our enimes to agent ther bussines, cannot be bot greivous to the godlie, quho are not preoccupied with preiudices; and this so much the more greivous, that the cunning slight of some malecontents, weill acquainted with publicke consultations, haue intangld not a few gentlemen, werrey worthy, whosse constancy in the cause of God is weill knownen. The continuers and penners of this peice, perceauing quhat strange and vnbeseeming language they wer uttering, saw it necessarye to take away maney obiections that lay in ther way; and that both in the entrey and close therof, assining that successe had not altered ther mynd. That they iudge not themselves free of the causes of the provoking calamities. That in vttering thesse thinges, they haue not beine led with the spirit of bitterness ore desyre to discouer the nakednes of withers; and that they haue not the least deseinge to follow the foottsteps of the sectarian partie, they may weill say (I mein the continuers of the remonstrance) they had not the least dessinge; for in that essay they haue outacted the sectaries. Thesse men did much in order to publicke good, befor they spake biglie; bot



done nothing since, saue that they haue drawin away considerable forces, raised at wast charges for the publicke defence. This speaketh nothing lesse then abandoning to carrie one ther deseinge in the last wordes of ther paper; and that ther discourss may be the more taking, they put one the persons of thesse quho are speaking ther last wordes, being zet far enouch from all danger. It is hard to aney man to judge with quhat heartes and intentions thesse things wer contriued. I speake not of the gentlemen and ministers quhom I durst absolue; bot of the proiecters and penners of this remonstrance. Bot lett ther auen spiritts judge, if the most reall and cordiall enimies our cause had, wold haue acted wtherwayes, to pour contempte one ws, and to heatin wundertakings against ws. Iff ze be all constant in the cause, quhat meinethe the loud bleating queries sent to our aduersaries, ane odious cryme, audacious to priuat persons to correspond withe ane opin enimey, quho haue shed the blood of Gods people, and receaue ansuers to the same? Iff this concerne not them all, how is it that they quho are constant and faithfull, declaire not against suche quho haue falsified ther trust, and quheat ther tounge against King and committee, quhom they should obey in the Lord?

17 Julij.—Cromuell past ouer a grate pairt of his army from Lothean to Fyffe one Thursday the 17 day of Julij, 1651, at the neucke below the Queensferrey, and fortified himselue one the hill betuix the Ferrey and Innerkethen. He landit without aney oppositione at all in effecte.\*

3d September.—K. Charles the Secondes army was routted and defaitt at Worchester, in England, one Wednesday the 3d of September this zeire.

Mercurius Scoticus, his diurnall to the 28 of Octob: hes in it this passage anent the laitt meitting of the remonstrant ministers at Edinbrughe, this same mounthe:—The meitting of the ministers at Edinbrugh is dissolued; ther was 66 of them in all. After they had made a kynd of auricular confession, eurey man for his auen sinns; some for idolizing the couenant too muche, others for compliunce with the King, &c. ther pryde, ambitione, and other sins, they haue dissolued; and haue sent some of ther nomber to Glasgow, quher they intend a prouinciall meitting, in a iudiciall way, and will emitt some declaration or warning. They are werey muche troubled they cannot haue that power in ciuill thinges, *in ordine ad spiritualia*, wiche they wer wount to haue in this natione; wnder wiche pre-tence, they gett all ciuill pouer quhatsomeuer in ther handes.

In Nouember this zeire, the ministers of the west, that had made and still maintained a werey grate schisme in the church, and disawored the last Generall Assembly, holdin at St Andrewes and Dundie, sett out at this tyme a pamphlett called, a Discouery after some search of the sinnes of the ministers; wich is dewydit in 9 sections, and printed in A° 1651, by the brethren of the presbytery of Kilmarnock. Thir westland renters of the church held a meitting at Edinbrughe, about the latter end of this mounthe, by the name of the Commissione of the Kirke; the pryme actors in it wer the tuo fyrebrands, Mr James Guthrie and Mr Patricke Gillespie, both of them depriued by the

lait General Assembly at Dundie; to quhom, amongst maney other of the lyke nature, was presented by a godly brother, (as they name him,) this famous paper, consisting of 12 heads:—

1. Our soleme ingagements to dewtics, ather out of dark zeall or polley; and it is conceaued much of both thesse will, after deepe searche, be found in al our couenant ingagements.

2. The taxing of ourselues, by soleme couenants and othes, to the perpetuall mantinence of some thinges for wich ther is no warrant from the word: as perpetuall adherence to monarchy in such a line, and constant mantinence of the priuillidges of parliament; at least the clauses of our taxes thesse thinges so ambiguously conceaued, that maney sueare them in the formentioned sense.

3. A fleschly zeall and policy in pursewing and carring one the couenant and leauge by cruell oppressions, making aetes for constraining all sortes of persons, als weill men of tender consciences as the most prophaine and grosslie ignorant in the land, to take the couenant, wnder the hazard of incurring the heighest censures both of church and stait.

4. Our preiudices; and that vpon our passinat and bitter invecions, by word and wreatt, publieke and priuat, aganist suche of the people of God in England, quho had some differences of judgment from ws, not vsing the gospell way allowed by God for gaining others, however carried away with errors; and therfor in the grate justice of God, his people in the land, quho wer formerlie one, are now so far dewydit in judgments and affections, that grounds of persecutioun are layed doune and begune by the one aganist the other.

5. The espousing of the malignant quarrells, not only by our own coniunction with, and intrusting the malignant party, bot also by iutending and concluding a trettey with the King, putting him in the actuall exercise of his power, and owning his intrest, albeit all the tyme of the trettey, and after it als weill as befor it, he did palpably euidence his disaffectione to the couenant and endes therof; wherby it hath come to passe, that the quarrell wich the Lord did formerly plead aganist the King, seimeth to be now tabled at the dore of church and stait.

6. The pollutting of the Lords housse and ordinances, by continuing the vilest of men to be church members, and to partake of the holy ordinancees of Jesus Christ; so that all the people of the nation are members of the Church; quherby the church of Scotland is become lyker to a feild of thorns and briars then the wyneyard of the Holy One of Israel. Nather could the remouall of persons scandalows from a sacrament (wich also is much neglected,) be a sufficient remedy of this euill, seing beare negatiues are not sufficient to putt a man in a capacite to be a church member, muche lesse to partake of the sacraments; bot besydes are required positive euidences of grace, so far as to ground a iudicious judgement of charity: and from this error of the actuall constitutione of this church flowes the sinfull coniunctions with the malignant party in counsell and armies; for how can thosse, vpon aney groundes of conscience, be debarred from ciuill fellowschipe, quho may and ought to be admitted to church fellowschipe? and therfor, though our disease may be skinned, zet neuer cured, till the present constitutione of the church be helped.

7. The idolizing of men, and receaning doctrines from them implicitly, not bringing them to the balance of the sanctuary: ministers meddling with ciuill affaires, both in priuat and iudicatories, quherby they lord it ouer the estaites, and tyranized ouer

\* The General Assembly was sitting in St Andrew's at this time, and in consequence of the success of Lambert, on the 20th, adjourned to Dundee, and, finally, was broken up. Vide Gordon's account of it, *ante* p. 626-631.



the consciences of men ; though it is not denyed bot they may and ought to reprove sin, and that in all sortes of persones, so far as they haue varrant from word of God.

8. Our not cleiring, bot wreasting the trew staite of the quarrell, with a vilfull reiecting of all meines for prewenting the shedding of blood ; whill treaties and conferences were not only requyred, bot refused, though desyred and offred by the Englishes ; through wiche it appeirethe, that the guilte of much blood shed in the lait warre, may be justly layed to the charge bothe of kirke and stait.

9. The smothering of light, and withdrawing from dewties, wpon the apprehensione of said euent.

10. Pitching vpon our forme of presbyteriall gouernement, as the vtermost attainable perfectione of reformatione.

11. The grate negleete and creuell oppression of the comons and poore people of the land, neuertheless of our obligations and taves, in the couenant, of mutuall aid and assistance one of another.

12. Laboring to carrey one a worke of reformation with so corrupte and vnsutable instruments ; yea the continuance of persons scandalous, in eminent places of trust, after ther was cleir euidencee that they wer suche.

1652.

This day, (viz. Friday) 2do Jarij : did breeke vpe the meitting of some presbeterians, who did meitt at Edinbrughe, in reference to the satlement of present affaires. It was composed of them quho [are] called ministers and laymen, quherof Mr James Gutlrie was moderator ; who, as he was ehosen to moderat, so in his olde wounted presbeterian zeall wold proceed in nothinge, till first he knew wither aney wer present who wer accessorey to the shedding of the blood of the saintes. Quasi wero, he had bein free of aney such thing ; though the most instrumentall in drawing one ane ingagement at Dumbar, he may remember his acession to his spilling of blood at Hamilton ; bot wee know the pharisies can bewaill the death and suffringes of the prophetts, though apte to persecute Christe and his disciples. It is remarkeable, this meitting was not called without cuning, for wpeholding the presbeterian intreste. The matter is this ; about 6 weekes agoe and aboue, some godlic and weil affected men in this land, taking a coursse (besyde the preists not heeding them in the bussines) in order to the good of the nation, vith no lesse purpois then to remonstrat and petitione (quhosse proceidinges as zet wee houe shall take effecte) aganiste coerciue restraunte, and for incorporatting the tuo nations into one comon wealth. Bot the presbeterian ministers, with ther grandee, Wareston ; finding this praeiudiciall to ther crafte, Demetrius lyke, called togidder such as wer of ther auen stampe : cuningly breking of the meittings of those quho intended to bring to naught ther crafte, in making siluer shrynnes for ther presbeterian Diana, did withdraw themselves altogider from the meittings : the result of wiche is confusione ; for nothing is now to be hard after this conuocatione, bot crying out, "Grate is the Presbeterie."

Now they haue drawin vpe a letter, though with grate debait, not knowing weil to quhom to send it, ore how to call those to quhom they should directe it, and are aboute to send it to the Generall ; testifying aganist all our proceidinges, and with a full pretence (I should say, purposse) of suffringe, doe earnestly bege religion in Scotland may be preserued, and established according to the couenant, wiche in ther accompte is nothing bot presbeterie. Marke

ther ingenuity ; they resolute to suffer, and zet wold haue pouer to persecute. Werily, I thinke, they are justly sufferers, quho goe aboute to be persecutters. In the interim, I supposse they shall not reeeae a satisfactorey anssuer in petitioning him (viz. Cromwell) aganist quhom they testifie ; this bewrayethe ther policey, though presbeterie be wsullay attendit therwith. Howsoeuer, as they conueined cuningly, with a full purposse to mainteine their crafte, that ther idol presbeterie perishe not, so they are dismissed confusedly, praying out, "Grate is the Presbeterie." We haue only to adde to it, that Warrestone, in face of the meitting, contrarey to experience, with a full purposse to deceae the simple, (Ex vngue Leonem) denyed aney trettey to haue beine offred by the Englishe, befor Dumbar, to the Scotts. Bot wee know it is a Matchiuelian policey, fortiter calumniarij.

1652.

*Acts of the Assembly 1652, and other Documents, extracted from the Controversial Pamphlets of the Time, but never recognised or printed among the Acts of the Church since the Revolution.\**

No. I.

*Propositions which were offered to the Meeting of Ministers and others, appointed to be kept at Edinburgh, July 21, 1652.*

WHEREAS we, and many of the godly in the Land have been really scandalized and stumbled at their late Aets and Proceedings, relating to Publiek Resolutions concerning the same in the nature and Intention of the Work, to have obstructed and shaken the Work of Reformation, (although we think honourably of diverse Godly and Learned men who have been concurring in the same, and dare not judge their Intentions to be such as we think their Work hath been, and do allow charity to others.) Therefore for satisfaction of our conscience, and for securing the Work of Reformation, for purging the Church, and for promoting the power of godlinesse, and for removing of these sad differences, and for attaining and preserving a good understanding, We desire,

That they give evidence and assurance, that they approve of, and will adhere unto the solemn Publick Confession of sins and engagement to duties, and all the Aets of the uncontroverted Assemblies of this Church, concerning the Work of Reformation, in the literal and genuine sense and meaning thereof. And that in dispensing of the Ordinances, censuring of scandalous persons, reeeiving of Penitents, trying, admitting, removing, and deposing of Church-Officers, they will walk according to the same. That it be laid seriously to heart before the LORD, how after such a defection, and so sad judgments for it, the LORD may be restored to his honor, the Land to his favor, and the like defection prevented in time coming.

That as we are ready in our station, to follow all religious and conseionable means and Overtures for securing and guarding the Cause and Work of God against Error, Heresie, and Schisme on the one hand, so they would hold out to us a solid way

\* Most of these Documents are to be found in Wodrow's MSS., vol. xvii., in the Advocates' Library.



for securing the same against dangers from Malignancy on the other. And we would know what shall be the Characters in time coming, by which Malignancy may be known and judged.

That a reall and effectuall course be taken, according to the established rules of this Kirk, for purging out, and holding out all such Church-Officers as have not the Position, and qualifications required in the Word of God, and Acts of this Kirk, particularly, where Ministers deposed by lawfull Assemblies, have intruded themselves, or have been unwarrantably restored by Synods and Presbyteries to their Charges, contrary to the form and order prescribed in the Acts of Assemblies, be removed, and condign censures inflicted, and that sufficient Provision be made for preventing the like in time coming.

That after means be fallen upon and followed for censuring of all scandals and scandalous persons, and casting out of these who shall be found grossly and obstinately scandalous or ignorant, after they are made inexcusable by sufficient means and pains taken for their instructing and reclaiming.

That some course more effectuall than any hath been fallen upon hitherto, may be condescended upon, for putting in execution the Acts of this Kirk, anent debarring from the Lord's Table such persons who are found not to walk sutablely to the Gospel, and have not knowledge to examine themselves, and to discern the Lord's Body.

That in the receiving of Penitents, care may be had that none be admitted to the publick Profession of repentance, or reconciled to the Church, but these who are found to give such evidence of their repentance, as is exprest in the Acts of the Assemblies, concerning the receiving of Penitents.

That an effectuall course may be taken for securing of the Work and People of God from the harm and evill consequences which hath already, and may further ensue from the late pretended Assemblies at S. Andrews and Dundee, and the Acts thereof.

## No. II.

*Reasons why the Ministers, Elders, and Professors, who protested against the Pretended Assemblies at St Andrews, Dundee, and Edinburgh, cannot agree to the Overtures made unto them at the Conference, upon the 28 and 29 of July, 1652, &c.*

ALBEIT the Essayes and Endeavors which were used by us, before our coming hither, for removing of Differences, and attaining of Union and Peace, upon such grounds as might (indeed) bring forth a discovery of our, and the Lands Sin, and contribute for removing the guilt thereof, and for securing and promoting the Work of Reformation amongst us, might in a great part have acquitted our consciences, and cleared us before the world; yet the deep sense that we had of the many and great prejudices which do ensue to the Work and People of God, by our continued Divisions, and our ardent desire of Peace and Union, upon the grounds foresaid, constrained us to lay hold upon the opportunity of your meeting together at this time, and to represent unto you, some necessary and just Propositions, as a fit subject of our conference; and that we were willing to hear what should be offered by you to us, in order to these ends; and, that therefore you would forbear to assume unto your selves the power of, or constitute your selves into a Gen. Assembly. And when we found this ineffectual, and our Union rendred more hopeless, by your denying a desire so just and reasonable,

and so agreeable to the practice of former Assemblies, as was instanced before you by these who knew the records: Nevertheless upon a surmise of a purpose in you to confer with us, we did for divers dayes wait upon you, being desirous to have seen upon your part, some serious applying of your selves to the real means of healing, and to have found solid satisfaction unto the things contained in the Propositions offered to you by us: But in place of this, the Brethren who were appointed by you to confer with some of our number, did intimate unto us, that all which they had in Commission to make offer of, was, That ye were willing to take off the Censures inflicted by the former Assembly at St Andrews and Dundee, and the Censurableness that persons, who have transgressed against the Acts thereof might be liable unto: Providing, that these Brethren censured, and deserving Censure, should pass from their Protestation against the former and present Assemblies, and judicially before their Presbyteries and Synods, engage themselves under their hands, not hereafter to deliver their Judgments in Preaching or Writing, or any way else to hold up the late differences. Which Overture when it was earnestly desired by these of our number to be given to them in writing according to their Instructions, not only because it was divers wayes represented by such of your number as did confer with them, but also that they might the more perfectly and better understand the same, and be able to make an exact report thereof to these who sent them, and mistakes thereupon might be Prevented: It was most peremptorily refused, albeit most earnestly urged and desired during the whole time of the Conference: Therefore having set down the same as truly and impartially as our judgments and memories could attain; We do for our own vindication, and satisfaction of others, give these Reasons following, why we cannot accept thereof.

" I. Because there is hereby no remedy at all offered for the course of defection involved in the Publick Resolutions, nor for preventing the like for time to come, which is the main ground of difference; but upon the contrary we are required upon the matter to retract our Testimonies thereanent, and judicially to give Bonds and Engagements hereafter to be silent concerning the sin and guilt thereof.

" II. Because our passing from our Protestation doth import a real acknowledgement of the lawfulness and freedom of the Assemblies in regard of their constitution, and of power in them to inflict and take off Censures, and so by our own consent, doth not only retract and condemn the testimony which we formerly gave against the same, But also obstructeth the remeading of what is past, and the attaining a lawful, free, General Assembly for the time to come, and so wreaths about our own neck, and the necks of the Lords People, the yoke of unfree, corrupt, and unlawful Assemblies.

" III. Because the offer which is made, though it contains Immunity in regard of these who have not acquiesced unto, or opposed these Acts for the time past, yet the Acts of themselves do notwithstanding thereof, still stand in force, as a ground of persecution against all these Ministers and Professors, who shall not accept of the conditions contained in this offer, or thereafter fail in performance of the same.

" IV. Because this offer is so far from reaching satisfaction to all, or most part of the Propositions offered by us, that it doth not give satisfaction to any one of them, but pitcheth upon a particular,



which ought to be of least consequence with us, (as importing but our personal suffering) without taking notice of the Lands defection, and of those things which do concern the Kingdom and Interest of JESUS CHRIST, and the purging of his House; and what a sin and provocation should it be against the Lord, and what a stumbling and grief of heart unto the godly who have concurred in these Propositions, and after such a defection, do expect repentance and reformation, and the purging of his House of corrupt Officers and Members, if we should make such a transaction, as seems to promise present security to our selves, but doth not contribute for preserving of the Truth, and attaining a solid Peace and Union in the Lord.

“V. We cannot see how the passing from these Propositions, and the taking upon us such Engagements for the time to come as are desired, should not involve us in the condemning of our own judgments, and in the acknowledgment of a sin and offence in making these Protestations, and bearing testimony against the Publick Resolutions, and import that what is done by you in taking off of Censures and censurableness (as you term it) is an Act of meer favour and grace upon your part, unto Delinquents, upon their repentance. And though we hope that we shall never be ashamed, but esteem it our mercy and glory to acknowledge any thing whereby we have provoked the Lord, or offended others, yet being more and more convinced in our consciences, that what we did in these things was a necessary duty, we dare not purchase immunity and exemption from Censures at so dear a rate, as to deny the same, we shall rather choose still to be sufferers, and to wait upon the issue that the Lord shall give, then to provoke the eyes of his Glory, grieve the spirits of his People, and wound our own Consciences, by so unsatisfying and so sinful a transaction.”

And conceiving that, we shall not have the opportunity to speak unto you hereafter, as being now about to dissolve our Meeting; We do from the zeal that we owe to the honour of God, and from the tender respect we owe to you as Brethren, and for exonerating our own Consciences, most earnestly beseech and obtest you, by your appearing before the Lord Jesus Christ, to give your selves unto Prayer, and searching of your own hearts and way, in Order to Publick Resolutions and Actings, untill each of you finde out wherein ye have turned aside from the straight way of the Lord, and imployed your gifts and power not for Edification, but for grieving the spirits of many of the Godly, and strengthening of the hands of the wicked, and to Repent thereof, and to do no more so, least wrath be increased from the LORD, the Godly of the Land more offended, and our breach made wider, and our wound more incurable. If both you and we might obtain mercy of the Lord to know our trespasses, and why he contends, and to accept the punishment of our iniquity, and humble our selves before him, who knoweth but that he might yet have compassion upon us, and pardon our sins, and heal our Land.

July the 28. Ante merid. 1652.

Mr Andrew Cant, Mr Samuel Rutherford, Mr James Guthrie, My Lord Waristoun, Mr Robert Trail, Mr John Nevay, Mr James Nasmyth, being nominated to meet and confer with some Brethren, Members of the present pretended Assembly, the Instructions following were given them, and the

Meeting doth require and expect, that they will walk according thereto.

I. That they shall declare to the Brethren with whom they are to meet, That as they do adhere to the Protestations formerly and lately given in, so they do protest, that they do not meet nor confer with them, nor receive any Papers from them, as being in the capacity of Commissioners of a General Assembly, but onely as sent from a meeting of Ministers and Elders, Wanting any such Authority.

II. That whatever be offered by the Brethren with whom they do confer, they desire to get it in writing from them, as the mind of the Meeting whereof they are Members; That it being communicated to us, Answer may be given thereunto by our whole Meeting.

III. That they do not engage in Conference with them at first about the matter of Censures; It being neither the chief nor only ground of our grievance; and because with us things of that nature, and any thing of personal concernment, ought to be of the smallest value, while there are many things in question betwixt them and us, of far higher consequence to the Kingdom of Christ and his Interest, as anent the causes of Gods controversie with the Land, and the way of remedy and cure of the former and late defection, and the way of preventing the like in time coming. The establishing and promoting the Work of Reformation, and the purging of the Kirk, and the like, as are laid before them in our Propositions given in to their Meeting; And that they do intimate to the Brethren foresaid, that we cannot look upon an offer relating onely to the Censures, upon some of our number, as satisfaction to them or us, and that (besides what we have said) for other reasons to be communicated in due time to their Meeting. And that therefore they shall offer to these Brethren, and desire of them, that if there be any Conference at all, the subject matter of it may be upon the whole Propositions in the order as they stand.

IV. That in case of their refusing the latter part of the former Article they shall require and demand from the Brethren of the other Meeting, That they would declare whether we may expect, that these from whom they were sent, will either by the said Brethren, or any other way, give answer and satisfaction to us anent the Propositions, and what is their sense and meaning of the Publick Resolutions, and anent the Constitution, Acts, and Proceedings of the Meeting at Dundee, and of this at Edinburgh, and what they minde to do in reference to the same.

V. That in case there be not satisfaction obtained in these so just and necessary things, They do profess their own and our dis-satisfaction with any thing that hath been offered by them to us, or answered to our desires first or last. And that they protest for themselves and us, That as we have sought Peace, and pursued it by all lawfull and possible means, though much in vain on their part. So we are henceforth free from the guilt and blame of the sad prejudices and evil consequences whatsoever, which may follow upon their present way, and their former and future actings of that nature, so contrary and destructive to Edification and Peace.

Right Reverend,

We have now for these fourteen dayes past, been imployed in using our best endeavours, and waited for Overtures from you, for healing the breach, and removing the differences that are amongst us; And



now there being no ground of hope given us, nor any desire made unto us for continuing the Conference, whereby a better understanding might be attained, We have thought good before our parting from this place, to send unto you this inclosed Paper, together with the Instructions given in writing to these who were sent from us to the Conference, the Copy whereof was offered by them to these who were sent from your number, and left with them; Both which Papers we desire you to communicate to those of your meeting. And so we rest,

Your very loving Brethren in the Lord.

Edinb. 29 July, 1652.

*Subscribed in the name of many Ministers,  
Elders, and Professors throughout the Land,  
who desire truth and peace.*

DIRECTED, For the Reverend Brother, Mr  
David Dickson, Professor of Divinity in  
the Colledge of Edinburgh.

### No. III.

*An Act and Overture of the Generall Assembly, for  
the Peace and Union of the Kirk.*

Edinburgh, 2 August, 1652. Post meridiem.  
Sess. 18.

THE Generall Assembly being deeply affected with sense of the many and sad evils and calamities that have already arisen both to Kirk and State within this Land, by the lamentable divisions and distractions amongst Ministers and others of the People of God in this Kirk, and apprehensive of greater evils which may yet follow, to the overthrowing of the blessed Work of Reformation, (which the Lord, in his great and speciall merey, was pleased to set up amongst us, having carryed it through many difficulties and oppositions,) and to the laying of the Kirk of God waste and desolat, if these divisions and distractions shal continue; And being most desirous, as the Servants of Jesus Christ, who is the Prince of Peace, to use all necessary and lawfull means (so far as their knowledge and power can reach) for preventing the encrease of these divisions, and making up of the breaches; And being firmly resolved, for obtaining of this desirable end, in all meeknesse, gentlenesse, and moderation, to condescend so far as they can, without violation of Truth, and of the just authority of the Government and Courts of Jesus Christ in his Kirk, unto their Brethren of the Ministry and others of the People of God, who have been this late time by-past, and are at difference with the Judicatories of the Kirk, for bringing them to an happy conjunction with their Brethren in unity of the Spirit in the bond of Peace.

Therefore, for giving an evidence and demonstration of their real intentions and sincere purpose about the premisses, as they have already, by some of their number commissioned for that effect, Declared and made offer to some of these their Dissenting Brethren, who were here in the time of the Assembly, so now again do Declare and make offer by this present Act, That the four Brethren, who, by the preceeding General Assembly at S. Andrews and Dundee, were upon speciall consideration justly censured, for protesting against and declining the Authority thereof, shal have the censures inflicted on them by that Assembly for the cause foresaid, taken off them; And further, that no censure shall be inflicted on them for not submitting to the foresaid censures; yea, and that no censure shal be inflicted for their Protesting against, and declining of this present Gen. Ass.

Providing, 1. That they do passe from the said two Protestations against, and declinators of the two foresaid Assemblies, judicially under their hand, between and the second Wednesday of November next ensuing, in their several Presbyteries or Synods respectivè. 2. That they also give assurance in manner foresaid, that they shall forbear holding up divisions by debates about matters of our late differences since the Assembly 1650, in preaching, writing, or any otherwise. Likeas the Assembly doth Declare and make offer, that all such as did coneur in, or have been accessory unto the Protestation and Declinatour against the Assembly at S. Andrews and Dundee, and were not censured, shall be free from whatsoever censure might have been inflicted by any Act of the said Assembly, and that no such Act shall have any force against them hereafter in any Judicatory of this Kirk, and that no censure shall be inflicted on them for their acceesion unto the late Protestation and Declinatour against the present Assembly, Providing they shal perform the foresaid provisions within the time, and after the manner therein speeified.

And for prosecution of this purpose, the Generall Assembly ordains the several Presbyteries or Synods of this Kirk to present this offer, with the Provisions therein contained, unto all such persons as are before-mentioned within their bounds respectivè: And in case the plurality of Presbyteries or Synods shal refuse to propound the same, the Assembly doth warrand such Brethren as acknowledge the Authority of these Assemblies, to propound them: and, having made report of their diligence and successe therein to the next ensuing Quarterly Meeting of the Commission of the Kirk, if they be then sitting, thereafter to do as they finde by the rule of the Word of GOD, and the Acts and Constitutions of Generall Assemblies of this Kirk, to be most necessary and conduible for preservation of truth, for proeuring the Peace and welfare of the Kirk, and maintenance of the Authority of the Assemblies thereof, as they will be answerable to the next Generall Assembly; And recommends unto them to take adviee of the Commission of the Kirk for their proceeding in any matter of importance of this kinde.

And now the Generall Assembly having out of tender affection toward their Brethren, and sincere desire of unity and concord with them in the Lord, and for the Lord, condescended unto this moderation and meeknesse, do obtest all and every one of them in the Name of Jesus Christ, and expect, as they tender the preservation of the Government of this Kirk (which adversaries without and within, taking advantage of our divisions and distractions are labouring to subvert) and as they love the establishing and promoving of the Kingdom of Christ in this Land, and will be answerable to him in the great Day, that they would, aaccepting of this offer of love, return unto unity with their Brethren in their severall respective places and Judicatories, and coneur in an unanimous way, for preserving and promoving the Work of Reformation in all the parts thereof, and for electing of Commissioners to the next ensuing Generall Assembly. And if they shall (refusing to accept this offer) continue to hold up the divisions, the Assembly leaveth it to the judgement of all the Kirks of Christ abroad, to bear witnesse if we have not faithfully endeavoured for our part, to heal our present breaches; and if we shall not be free of the guilt of the sad consequences that may come to the Work and people of God in this Land, by continued distractions.

J. MAKGHIE.



## No. IV.

Edinburgh, 3 Aug. 1652. Ante mer. Sess. 19.

*Act concerning admitting Expectants to their tryals, and Ruling Elders to act in Presbyteries and Synods.*

THE General Assembly having out of their earnest desire of the Peace and Vnity of this Kirk, condescended upon an Overture of Peace, and not onely propounded it to some Brethren who were here, opposite to the Publick Judicatories of this Kirk, But also in pursuance of that end, Ordained the said Overture to be presented, and offered by the several Presbyteries or Synods, to all in their respective bounds, who have Protested against, and Declined, or cousented or adhered unto the Protestations and Declinatours inade against this and the preceding General Assembly, and the conditions therein contained, to be required of them; And considering the great prejudice like to arise to this Kirk, by encreasing of our unhappy Differences and Distractions, if young men shal be admitted into the Ministry, which shall still blow the fire of contention, and continue in avowed opposition to, and contempt of the Publick Judicatories, Therefore Ordains Presbyteries to take special care, that upon the calling of any Expectant to a particular charge of the Ministry, before they admit him to his trials, they require him under his hand, to passe from the Protestations and Declinatours against this and the preceding General Assembly, if he hath been accessory to the same, and to promise and give assurance, that he shal abstain from holding up Debates and Controversies, about matters of Differences in this Kirk, since the Assembly 1650, in Preaching, Writing, or other wayes. Vpon the performance whereof, the Presbyterie shall proceed to his trials; if not, in that case, the Presbyterie shal forbear to proceed until the next General Assembly leaving liberty to the Presbyterie and Congregation for planting of the place otherwise. And the Assembly Ordains and requires, that Presbyteries be not sudden to lay by such young men as at first refuses or scruples to perform these conditions mentioned, but that pains be taken upon them to convince them of the reasonableness thereof, and to perswade them to embrace them, and to give them a competent time for that effect.

Likeas the Assembly considering the prejudice of Elders coming to Presbyteries for strengthening a faction in opposition to the Publick Judicatories, Ordains, that Presbyteries shal require the same things fore-mentioned of every Ruling Elder that comes to sit and act in Presbyteries; and in case of his refusal, shall not admit him to act as an Elder in the Presbyterie, but require the Kirk Session from which he is sent, to make choise of, and send another, who for the Peace of this Church, shal agree to perform the conditions required.

## No. V.

*Act for putting in execution former Acts and Constitutions of Generall Assemblies, anent trying, admitting, removing, and deposing of Church Officers, censuring of scandalous persons, receiving of penitents, and debarring of persons from the LORDS Table.*

Edinburgh 3 August 1652. Post meridiem. Sess. 20.

THE Generall Assembly, considering the obligations that lyes upon all Ecclesiastick Judicatories

and Ministers within this Land, by the commandment of GOD, and our Covenants and Engagements taken upon us, before GOD and the World, (whereunto they resolve, in the power of the LORD'S might, constantly to adhere) and to shew themselves faithfull and zealous in all their administrations for the LORD, and for advancing the Work of Reformation; and particularly, considering that the condition of this time doth require in speciall wayes, that in trying, admitting, removing, and deposing of Church-Officers, censuring of scandalous persons, dispensing of Ordinances, receiving of penitents, the Rules of the Word of GOD, and Constitutions of this Kirk, be diligently put in execution, and accuratly observed.

Therefore,

The Assembly Ordains, That Presbyteries and Synods, in admitting of Persons to the Ministry, be accurate in their tryals, according to the Order prescribed in this Church, that none be admitted to the holy and high function, but such as are qualified according as is required in the Word of GOD, and Constitutions of this Kirk, both for knowledge in the mystery of godlinesse, and abilities to teach and convince the gainsayers, as also in conversation and godlinesse, that they lay hands suddenly on no man, nor be partaker of other mens sin; and for this end, that every Presbyterie be careful to have gathered together such Acts of Assemblies as concerneth the triall of Ministers, and have them before them, whensoever any person is called to any place of the Ministry, and is upon his trials.

2. Ordains that Presbyteries and Synods, in their respective bounds, make conscience, that such Ministers as are found either ignorant and not apt to feed the people of God with knowledge and understanding, or erroneous in their judgment in matters of Religion, or are scandalous in their life and conversation, and are not examples unto their flocks in godly and holy walking, or disaffected to the work of Reformation, be censured according to the degree of their offence, and Acts of Assemblies. And for this end, that they be frequent and accurate in visitation of Kirks, and therein make consciencious use of the rules prescribed for visitations, and of such Acts of former Assemblies, as holds forth the duties of Ministers, and the grounds and causes of censure.

3. Ordains that, where Ministers lawfully deposed, are unlawfully admitted, and not according to the Order prescribed in the Acts of Generall Assemblies, or intrudes themselves into places, Presbyteries and Synods make use of that power and authority which Christ hath put in their hands, to remedy the same, and to censure such disorders and enormities, as they deserve, And that people be not accessory unto, or concurring with any Ministers that are deposed, in intruding themselves into places, nor give them any countenance that does so, as they would not draw upon themselves the wrath of God, by contemning and despising Christs Ordinance of Discipline, And that no Presbyteries or Synods proceed to open the mouths of, or re-admit unto the Ministry, any deposed Ministers, but according to the Order prescribed in the Acts of Generall Assemblies, As they will be answerable unto the General Assembly.

4. Ordains that Sessions be carefull that none be admitted to be Elders in Congregations, but such as are in some competent measure able and qualified with knowledge of Religion, and understanding of the duties of their Calling, for discharging the duties of that Office, and of a blameless, Christian, and godly conversation; And that before any be



admitted to be an Elder, the Persons name that is designed, be publickly intimate to the Congregation the Lords day before, that if any have any thing to object against him, they may present the same to the Session or to the Minister. And that if any Elder be found negligent in the duties of his charge, and continue so after admonition, or scandalous in his life and conversation, or to be a neglecter of the worship of GOD in his Family, he be removed from, and purged out of the Session.

5. Ordains that Sessions and Presbyteries be careful, and make conscience by all means to ensure impartially all persons of whatsoever rank or condition, that are scandalous, either in things of the first, or in things of the second Table, according to the Rules and Order which Christ hath prescribed in his Word, and to proceed to the highest censures, with such as are grossely and obstinately scandalous, or are ignorant, and contemn, and continually neglect the means of knowledge, as publick and private catechizing, &c. after they are made inexcusable by sufficient means used to reclaim and gain them.

6. Ordains that Ministers and Sessions in Congregations be careful, as they will be answerable to Christ Jesus, to debar from the Lords Table, all such persons as are found not to walk suitably to the Gospel, and being convinced and admonished thereof, do not reform; As also all such as have not knowledge to examine themselves, and to discern the Lords Body. And that for the more orderly performing of this, the Minister in examination of the people, have some of the Elders alwayes with him, and represent unto the Session such as are found grossely ignorant, that by order of the Session they may be debarred.

7. That Presbyteries and Sessions make conscience, that such persons as are found scandalous, and are under censure for that cause, be not received nor absolved from their censure, unlesse they give such satisfaction and evidences of their repentance, as are expressed in the Acts of the Assemblies, concerning the receiving of penitents.

J. MACKIE.

#### No. VI.

##### *Declaration of Assembly.*

Edinb. 5 Aug. 1652. Ante mer. Sess. 23.

Right Honourable, right Worshipfull, and  
Worthily respected,

We, being met in Edinburgh at the time appointed by the former Assembly at Dundee, of purpose to study the healing of begun breaches in this Kirk, were interrupted at our first down-sitting, and hindered from constitution of the Assembly by our Dissenting-Brethren their offer of Propositions and desires to be granted by us, which could not to any good purpose, either be debated or effectually granted, as was required, before the Assembly was constitute, and the Judicatory fixed. Which short delay of our answer, till we were in capacity to answer, was met with a Protestation, prepared before hand, for a declinatour of the Judicatory, and all the Commissioners of Presbyteries, as freely chosen as any were, and sent forth from all parts of the Kingdom. In which Protestation wer contained many grievous and unjust aspersions upon us and others (who dare not pass from the possession of yearly Generall Assemblies; which being in former times interrupted, was purchased at

a dear rate, before it was recovered) and all this was presently put in Print; to the great disadvantage of us, and mis-information of all the Kingdom. After the Assembly was constitute, a conference was offered by us, wherein some from us desired, That to the intent we might joyn the better for promoting the Work of Reformation, legall bars hindering us from peace, to wit, Protestations on the one hand, and Censures inflicted, or which might be inflicted, on the other hand, being removed. They should give assurance to forbear to trouble the Kirk, by holding up debates on the matter of our late Differences, about the managing of Publick Affairs. But after conference, finding no ground of hope for present agreement, we have made the same offer to all them who adhered to the Protestation, whether in the Town for the time, or not, as our Act\* (the Copy whereof is with these come to your hands) at more length doth declare, and granted unto all, time to advise till the second Wednesday of November next to come. And now because our Dissenting Brethren have the advantage of the Press for the present, and are too diligent and painfull in gathering of hands and subscriptions to their Protestation, of young men or elder, masters or servants, without any trial of their qualification, to make the world think, that the generality of the godly (as they in their Papers presume to call themselves) and that in great number do stand for their divisive way, Therefore we thought it our duty to write unto you all, who love the Union and Peace of this afflicted Kirk, that by your counsell, conference, and all other godly means, so many as in your bounds, Ministers, or others, are upon this divisive way, which tendeth so much to the hinderance of the Work of Reformation, and peace of the Lords distressed people may be timously reclaimed, and moved to accept the peaceable offer made to them by the Generall Assembly. and the rest within your bounds may be kept free from this uncouth separation, that it grow not greater, and that difference of judgment about the managing of publick affairs in our late troubles, which occasioned this unhappy rupture, may be no prejudice to our joynct acting in Ecclesiastick Judicatories, for keeping the Liberties thereof, and the peace of this Kirk, which at this time doth so much call for communion of counsels and actings: Wherein as you shall prove instrumentall, you shall be found to do a work of service unto God, of love to your Mother-Kirk now distressed on all hands, most suteable to your Covenant and Profession, and contributive as to your peace, comfort and credit in this life, so to the furtherance of your reckoning in the day of the Lord.

*Subscribed in name and at command of the  
Generall Assembly, by*

#### No. VII.

##### *Declaration by Ministers and Elders (Protestors) against the lawfulness of Assembly 1651.*

To the Right Reverend the Ministers and Elders met at Edinburgh the 24 of November 1652.

WHEREAS we have not onely been patients and defenders in the differences that have lately arisen in this Church, but willing and ready to embrace all opportunities for removing them: And for that end upon an Overture made to us the last Winter,

\* Vide ante, p. 649.



have since that time forborn to act authoritatively, and in the capacity of Commissioners from the Generall Assembly 1650, (which delegation we conceive to be still in force, untill the next lawfull free Generall Assembly.) And notwithstanding grounds were given to us when that Overture was made to expect the like from you, Yet ye did assume to your selves that authority, and acted accordingly, which hath very much heightened our differences. And forasmuch as at the late Meeting of our Brethren in Edinburgh upon the                    day of July last; We did earnestly desire that they would forbear to constitute themselves into a Generall Assembly, (which had they been pleased to grant, might through the Lords blessing have proved an effectuell means of peace.) So now we being met together, and understanding that you are to meet upon the of this instant: And we being still desirous of peace and of an union with our Brethren in the Lord, and to entertain with all due respect, the endeavours of some godly and reverend Brethren for this effect. We do earnestly beseech you by the love you bear to the peace of this Church, and by your desires to heal the breaches thereof, that you will presently declare, that you will forbear all acting as Commissioners of a Generall Assembly, so long as endeavors and conferences for Union shall continue (as upon your condescendence we hereby do declare the like concerning the Commission of the Gen. Assembly 1650.) And that you will presently interpose with others of your judgment in the respective Synods and Presbyteries, not onely that supposed censures may be looked on and accompted as no censures, But that they do not proceed to put in execution any of the Acts of the late Meetings at Dundee and Edinburgh, against Ministers, Elders, Professors, and Expectants; or to do any other thing not already determined by uncontraverted Assemblies; which we are confident shall be the practice of Synods and Presbyteries that are of our judgment. If the Lord shall convince and incline your hearts to this motion, whereby we may be in a fit capacity to confer together for removing our differences; In that case our opinion is, that by mutual consent, some time may be appointed for our seeking the Lords face, for the further knowledge of his controversie with us, and for our direction in the way of Union in him, that we may in love and sobernesse of spirit speak of these things which may conduce for the healing of our breach; then which, nothing is more sincerely and seriously desired by us. But if this motion may not be hearkened to, and there be a proceeding in these things which are so grievous to us, and burdensome to the consciences of many of the Lords People and Ministers, we cannot forbear to warn you, that we shall be constrained to vindicate our selves and others from such usurpation and persecution by the use of all lawfull and possible means for our own defence, and for preservation of the truth and liberties of this Church.

*Subscribed in the name of the Ministers, Elders,  
and Professors met at Edinburgh the 11 of  
Novem. 1652, By*

*Sic subscribitur* SAMUEL RUTHERFURD.

#### No. VIII.

Edinburgh, 26 November, 1652. Post meridiem.  
Session 5.

THE Commission of the Generall Assembly having received upon the 14 of this instant a Paper

presented to them by my Lord Wariston, Mr Robert Trail, Mr John Sinclar and George Dundasse of Duddingstoun, and subscribed by Mr Samuel Rutherford, in the name of some Ministers, Elders, and Professors met at Edinburgh upon the 11 of November, and having taken the same into serious consideration, do return this Answer thereunto.

Although we being unwilling to enter upon any debate or inquiry who have been the Agents in raising, continuing, and heightening the late differences in this Church (being more desirous to have these differences and distractions that have followed thereupon removed, and the memory thereof buried) yet we may say that our Brethrens vigorous activity therein all along hath been conspicuous enough to all who have been looking upon the matter. And as we will not question the willingnesse and readinesse of our Brethren to embrace opportunities for removing these differences, nor whether for that end they did forbear the last year to Act Authoritatively, and in the capacity of Commissioners from the Generall Assembly 1650, (which power they had assumed to themselves, it being expired and extinct by the Meeting of the Assembly 1651, by vertue of the indiction of the Assembly 1650,) and that upon such an Overture made to them as they mention (which yet seemeth to us not to be well consistent with their Answer given by them upon the                    day of                    1651 to the Paper presented to them from the Provincial Assembly of Lothian) so we remember well that the Commissioners of the Assembly 1651 though having no lawfull call and Authority, did notwithstanding from that time mentioned by our Brethren for preventing the heightning of differences, not onely forbear acting any thing in that capacity, but even abstain from so much as meeting to adjourn, untill the time of the Generall Assembly near approaching, they behoved to meet in that capacity, for determining the place of that Assembly ensuing, which had been left in the indiction under the uncertainty of an alternative, by reason of the times, which was the onely thing they acted, and could not in reason be accounted a cause of heightning the differences. Further as the Commissioners of Presbyteries met in Edinburgh in July last could not hearken to our Brethren, desiring them not to Constitute themselves into a Generall Assembly without unfaithfulness in the trust committed to them (they being Commissionated to that very purpose) and without apparent and inevitable danger of present loosing the liberty of the Publick Judicatories and Government of this Church, espeecially considering the posture of Civil affairs in the time: So we see not how the forbearing thereof could have been a means of a right peace; we still conceive, as hath been constantly held in this Church, that a lawfull Generall Assembly, such as that was, is the most Sovereign means under God to heal any ruptures and distractions that are in the Church; likeas we find that it was the endeavour of the said Assembly to the outmost of their power to compose the present differences, and unite the distracted Members of this Church, and accordingly did condescend upon such Overtures as they possibly could perceive to be most conducible to this end.

Albeit we cannot but signifie our just grief at the unjust reflexions and aspersions cast upon us and other preceeding Publick Judicatories of the Church, partly indireetly, partly directly in the narrative of this Paper, and conceive it had been more sutable to the Profession of so earnest desires of Peace and Union expressed therein to have foreborn them, yet



not doubting of the reality of the desires themselves, we do heartily entertain those with all due respects. And being for our part most desirous of Union with our Brethren in the Lord, we are willing to condescend so far as possibly we can in the trust committed to us, and with a good conscience by any means to attain that end: And therefore do declare, that we shal not at this Meeting, nor hereafter before the third Wednesday of February, Act any at all in prosecution of any Censure against our Brethren which are already pronouned, or which may be incurred by them by virtue of any acts of the two last Gen. Assemblies at Dundee and Edinburgh, relating to the late differences: And although as to the execution of the Act of the late Assembly for regulating the Admission of Elders to Vote in Presbyteries and Synods, and of Expectants to their trials for the Ministry; we must leave these Judicatories to that discretion and prudence that the exigence of their severall conditions requires, yet we shal interpose with the respective Presbyteries and Synods that they may, during the space abovementioned, sist, and not proceed further in any of the foresaid censures: And that we are content and willing that betwixt and the day foresaid there be a Meeting at a time to be appointed, before our parting hence, between some of us and some of our dissenting Brethren in such a number and such a way as shall be most convenient, considering the ease of the time, for holding forth to them so far as we can, and the Lord shall assist us, light in the matter of their differences from the Publick Judicatories, and for searching into further knowledge of the Lords controversie with us, and speaking in love and soberness of Spirit in such other things as may conduce for healing our breach. And it shal be matter of our earnest desires and Prayers to the God of Peace (as we doubt not but it will also be in our Brethren, if they embrace this way) that he may be graciously pleased so to blesse these endeavours, that the issue may be a clearing of His ways to us all, an healing of our wounds, and an uniting of us in himself, to serve him with one consent, in doing or suffering joyntly for His Cause and Honour, whatsoever shall be his holy will.

As for that Certification in the close of the Paper, as we conceive that it might been well spared, so we shall say no more to it but this, That we are confident that this Commission and the other late Publick Judicatories, having a calling and being constitute according to the order of God, and constitutions of this Kirk, are very far from usurpation; and that both the by past carriage of the respective Judicatories Publick and Private doth clear them, and our earriage shal clear us before God and the World from that grievous aspersion of persecution, the uncharitableness and injustice whereof we heartily pardon, and pray the Lord to pardon in our Brethren.

J. MAKGHIE.

No. IX.

Edinburgh, 27 November, 1652. Ante meridiem.  
Sess. 6.

THE Commission of the Gen. Assembly hath appointed, Masters Ro. Blair, James Wood, David Forrest, Andrew Hounniman, James Sharp, and the Moderator Mr David Dickson, in case the conveniency of his health and affairs can permit, to Meet at St Andrews the first Wednesday of January next; and there to attend such of our dissenting

Brethren as shall come to them, and to confer with them upon the particulars expressed in the Answer to their Paper

JO. MAKGHIE.

No. X.

Edinburgh, 27 November, 1652.

WHEREAS our earnest Desire and Overture for sisting the present Differences to make way for an Union, hath been met on your part with no small heightning of the Differences, by your Aetings in matters contraverted, betwixt the time of our giving in an Overture and your giving answer to it, and by your refusing all and every one of our just desires and asserting the authority and Acts of the late pretended Assemblies and Commissions thereof, and by your declaring the impossibility of any further condescendance on your part for Union, then hath been already held forth in the Acts and Overtures of the late pretended Assembly at Edinburgh: And you having also dissolved your Meeting before the return of an Answer to us, or hearing what we had to say to you in reference to your Answer and to the authoritative appointment subjoynd thereunto; We are necessitated to Declare unto you that we are not instructed to call any Meeting for Conference with you in this case of so unsatisfactory an Auswer: And that we are free of any concessions conditionally offered on our part.

*Subscribed in the Name of those who were appointed by the Meeting of Ministers, Elders, and Professors to present the Overtures, and receive the Answer.*

*Sic sub.* Mr ROBERT TRAILL.

No. XI.

*Observations upon the Answer of the Commission of the pretended Assembly, to the Overture of the Brethren who dissent from the Publick Resolutions: As likewise upon their Letter to Presbyteries.*

IT is to be observed, that the scope of the Overture made by the Protesters is, That all claims to power and authority from the controverted Assemblies at Dundee and Edinburgh on the one hand, and all controverted power, as derived from the General Assembly 1650 on the other hand, being laid aside during endeavour for union; as likewise all Censures, or Acts enjoying Censures for the late differences since the said Assembly 1650, at which time this Kirk was of one judgment, and all Papers against these controverted Assemblies not yet published, being also for that time suppressed, There should be a friendly Conferenece agreed on by mutual consent, for searching into the Lords Controversie against the Land, and for removing our differences. The Brethren who stand for the Publick Resolutions are so far from wayes of peace, as they refuse all conference, except they Treat and confer as the lawful Representative of this Kirk, and be cloathed with their Commission and Authority; and therefore their Answer to the Overture is returned in the Name, and by the Authority of a Commission of the Kirk, and a Committee is, by Act of the pretended Commission, appointed for that purpose, viz. Their Moderator and some Brethren of the Presbytery of St Andrews.

2. In that Act the said Committee is limited in



their conference to the particulars exprest in the Answer to the Overture.

3. The Answer to the Overture, not only refuseth all things demanded by the Protesters, as previous and preparatory to a Conference, but also maketh the end of the Conference (which was modestly and fairly exprest for both in our Overture) to be, to hold forth light to the Protesters in the matter of difference from the Publick Judicatories, and (as the Letter to Presbyteries expressly beareth) that the dissenters from the Publick Resolutions may be brought up to unite with the Publick Endeavors of this Kirk, and so the state of the difference betwixt them and us, is now again (upon what considerations, or expectations I shall not descant) made as wide as it was before, when all the Malignant party was in Arms to protect them therein.

4. The Answer asserts and justifies, not only the Calling and Constitution, but all the Acts and Proceedings of the late pretended Assembly and their Commissions, and condemneth all Testimonies against the Publick Resolutions, and the said pretended Judicatories.

The said Answer declareth, That no Agreement is to be expected upon other terms than the late pretended Assembly at Edinburgh did propose; for the Answer doth affirm that they have found that the said Assembly hath endeavored to the utmost of their power to compose the present differences, and did condescend upon such Overtures as possibly they could perceive most conducive to that end.

Now, these Overtures, by them mentioned, do require an express passing from all our former Testimonies, and that in time coming we shall never give any Testimony against the Publick Resolutions, and other late corruptions and novations brought into the Church, for it is required to be set under our hands, That we shall not hold up debates by preaching, writing, or otherwise, for any thing which doth concern the late differences that hath arisen in this Church: So that we may not give Testimony or declare our Judgements in any case, but must either be altogether silent in these things, or else conform our language to the judgment of the pretended Assembly, and if any Minister or Elder cannot in conscience comply with these Overtures, though they be men eminent for gifts and graces, and have been very useful and profitable servants in the Lords Vinyard, and differ in nothing in judgment with their Brethren in the Confession of Faith, Directory for Worship and Government, yet they must be east forth as unsavory salt, because they cannot agree to a Novation which never was heard of before in this Church, and which themselves in their Vindication grant to be *indeterminati juris*. The same severity is enacted against expectants to the Ministry, and they must be debarred for this sole cause, though they were never so well qualified. If this be not Usurpation and Tyranny, the Prelats are very excusable for their carriage.

6. Observe how their Answer to us, and Letter to the Presbyteries is stuffed with carnal policy, and very far from that simplicity and candor which becometh Ministers of the Gospel. They say, they are desirous to have the memory of our differences and distractions buried, yet with the same breath they give out sentence, That we have not only been agents, but active agents, and vigorously active; and affirm this to be conspicuous, not only to some, but to all who have been looking on the matter. But were it so, what need was there to tell it? If they would have these things buried, why did they

assemble so frequently this Summer, to dig them out of their grave? Were it not greater ingenuity to tell the truth (as some of their number do) that these Publick Resolutions must stand as the Authority and Warrant for the Body of the People, to rise all in Arms (without making distinction of Friends and Enemies to the Lord his Work and People) and associate among themselves, and with Forreigners, when they shall land with the King. They say they will not question whether we did, from a desire of removing differences, forbear to act in the capacity of Commissioners from the General Assembly 1650, yet in the very next words they do expressly question it, and say, It seemeth not to consist well with our Answer to the Synod of Lothian. This is but a seeming inconsistency grounded on a real mistake; for the Overture mentioned by us is not the same with that proposed by the Synod of Lothian, neither for the Matter, Persons, Propounders, or the time of making thereof: It was a more equal Overture than that from the Brethren of Lothian, for it did not condemn the Authority of the Commission 1650, more than that of 1651, as that from Lothian did; and it was propounded at a Conference with some of the Brethren of the Presbyterie of St Andrews; and that diverse moneths after the Overture made by the Brethren in Lothian: If our Brethren had been well advised they had spared this reflection. They say, they abstained from meeting so much as to adjourn the Commission, and that to prevent the heightning of differences til the time of the Assembly did approach that they behoved to meet. I will not say, as our Brethren do, That I will not question if it was for that end they did abstain, and then follow it with a contradiction; I do plainly and ingenuously profess, That I think it was another reason which made them abstain: It was a clear case to all who conversed with them at that time, That fear of interruption by the English, and drawing prejudices on their persons, made them abstain, until the Malignant party (their penitents and correspondents) began to have power and favour, and procured some under-hand assurances for their security. And it may be well remembered, that their Meeting at that time in May, before their Assembly, was coloured with specious pretences, of using endeavors for union with the Dissenters from the Publick Resolutions; yet here they plainly tell us, that the express end was, To determine the place of the ensuing Assembly; to which I do readily give credit: for they slighted the sending advertisement to us, and would not delay one fortnight at the earnest desire of some few of our number, that were present at that Meeting. They say, they could not delay to constitute themselves into a General Assembly without unfaithfulness, notwithstanding they know that it was agreeable unto the practice of diverse Gen. Assemblies, to adjourn without constitution, and no prejudice at all to their Liberties, as was represented to them at the same time. They say, that it hath been constantly holden in this Church, That a lawful General Assembly (such as this was) is the most sovereign mean to heal ruptures and distractions in the Church. If they take out these words "*such as this was*" which they have foisted in to destroy the Text, their own consciences will bear witness to us, that we are of the same judgment: But to say, That a pretended Assembly, made up of such as have brought in Novations and carried on a course of Defection, and continuing therein without Repentance, is a Sovereign mean to heal ruptures and distractions, is so far contrary to all



reason and experience, as it hath proved to be a main cause of the evils and troubles of this Church, as is declared by the General Assembly 1639, in their Act of the 17 of . They do without cause, resent, That the Narrative of our Overture doth cast upon them reflections and aspersions, and yet all along their Answer they make it their study under the covert of *Albeits, Althoughs, and Parentheses* to abuse us with Calumnies. They declare, That they shall not at this Meeting, nor hereafter, until the third Wednesday of February, act in prosecution of Censures already pronounced, or which may be incurred by their Brethren; and that they will interpose with Synods and Presbyteries for the like. But what Sophistry is there here to delude the world, or rather to mock their Brethren? For, first, They act what they had a mind to act, in reference to matters in difference; and then after their Meeting is dissolved, and no sooner, they declare to us they will act no more at that Meeting, nor hereafter, till the third Wednesday of Febr., and that is the time of their next Quarterly-Meeting. 2ly, This seeming forbearance to act during that time, is not general, but limited to the matter of censures. 3ly, That's elog'd with another limitation, for, say they, We must leave Synods and Presbyteries to that prudence and discretion which the exigence of their condition shall require, for putting in execution the Acts for debarring Elders from Voting in these Judicatories, and Expectants from the Ministry, which themselves the last year did accompt to be no small Censure, in the debarring Malignants from trust; but how much more in this case, which hath great influence to corrupt the Ministrie and Judicatories. 4ly, Their expressions which they chose in their Letter to the Presbyteries and Synods, are such, as do rather incite to Censures, then prohibit; for they insinuate a dislike of their former moderation in Censures, which (they say) is well known to them, and to all men. 5ly, They well knew by the Conference which we had with them in July last, that it was not their Censures we feared, or much valued, but that we desired that both of us might be in the accompt of either in a fit capacity to confer together, and not they looking on us as Delinquents at the bar, and themselves as our Judges; otherwise we see not to what good purpose we should meet. 6ly, The time, place, way, and number of Persons (which indeed is least of all) ought to have been agreed upon by mutual consent; yet even in these smaller matters they must keep a state, and authoritatively enjoyn all, without the giving us the least intimation of their Resolutions, till they were risen and the Meeting was adjourned. In the close of their Paper they would fain vindicate themselves from persecution, but they would consider, that justified defection endeth ever in persecution of the witnesses against it. Some, who at the beginning of this Defection, abhorred the very supposition of troubling any godly Brethren who differed from them in judgment, within some moneths were perceived to make no great scruple to help forward the persecution: others, who called it a persecution the last year, to debar Malignants from Civil and Military Trust, will have it this year no persecution to debar godly and faithful Elders, from Trust in the Kirk; and able, gracious and well qualified Expectants, from the Ministry: Conjunction with Gods Enemies, is alwaies attended with persecution of his Friends; and experience may teach us, that large Charity to Malignants will dry up much former love to Gods People. Mans heart is deceitful above all things. I say

no more, but I desire heartily to pray the Lord, to forgive them the deed and thing, who storm so grievously to be told of the name of persecution.

1651.

*Excerpts from the Chronicle of Fife; being the Diary of John Lamont of Newton.*

Jul. 16.—The Generall Assemblie satt att St Androus, where the Lord Balcarresse was comissioner for the K. Majestie. At the meiting of this Ass. Mr Andro Cant, m. in Aberdeine, preached in the forenone, on Heb. 12, v. 12, 16, and Mr Robert Douglas, m. att Edenbroughe, in the afternone, in Ps. 122, 6, 7, 9. The said Mr Robert was chosen moderatour. The 20 of Jul. being Sunday, the Ass. meet at night, (upon the defeate Cromuell had given our people about Dumfermling), and did adjourne this Ass. till the 22, to Dundie. The forsaid night, at St Androus, ther was a protestation given in by Mr Samuel Rutherford, m. of St Androus, subscribed with 21 or 22 severall hands of miuisters, protesting against the lawfulness of this Ass.; alledging it was eorrupt, ill constituted, and not fric. The names of some of the protesters were these, viz. Mr And. Cant, Mr Ja. Gutherie, Mr Pa. Gillespie, Mr Sa. Rutherford, Mr Alex. Moncrieffe, Mr Will. Oliphant, Mr An. Donaldsone, Mr Jhone Hart, Mr Ja. Sympsone, Mr Jho. Meingzes, and on Mr Neasmith. The day appointed, they meet att Dundie, where the proceedings of the comission of the former Gen. Ass. was approven; a warning, appointed to be read in the severall churches; the westland remonstrance (before spoken of) condemned and declaired against; a letter penned to be sent to the K. Majestie; Mr Ja. Guthrie, m. of Stirling, Mr Pat. Gillespie, m. of Glasgowe, Mr Ja. Sympsone, m. of Airth, neare Alloway—thir three were deposed; Mr Neasmith suspended. Some of these things brought against them were, that they did publickly preach and speake against the proceedings both of the church and state, and were ring leaders in the meater of the remonstrance and protestation; for the rest of the protestors, the Commiss. of the Ge. Ass. was appointed to deale with them, and, give they could not be convinced, to processe them. Mr Rob. Ramsay, m. of Glasgowe, was appointed Principall of the colledge ther. Mr Jho. Heart, m. of Dunkell, did supplicatt the Ass. that his name might be taken out of the said protestatione. This Ass. did ryse the 1 of Aug. 1651. More, the planting of the church of Newburne was referred to the presbetrie of St Androus; and Chancelour Campbell (anent the meater of adulterie), referred to the comission of the kirke. A fast appointed to be kept throwe the kingdome, Aug. 31, 1651.

Sept. 3.—The Scots armie that went from Stirling to England, was routed by Cromuell and his forces near Worcester. The Kings Maj. escaped with the Duke of Buckingham. Duke Hamiltone taken and wounded, and within some dayes after deyed; Earle of Rothis, E. of Kelly, E. of Laderdaile, taken and placed in the Tower; Louetennant-Generall Leslie, Middleton, Mungomrie, Pitscottie, Vandruske, with several other nobelmen and gentelmen, both Scots and English, taken; 400 or 500 officers taken, (amonge which were Lundie and Ardrosse), 6 or 7 thousand prisoners, a great manie killed; 9 ministers taken; 9 chirurgions and 30 of the Kings servants taken, with armes, bag and baggage.



Oct.—The greatest pairt of the protesting ministers against the lawfulness of the Gener. Ass. 1651, mett at Edenbrough, with a purpose to annull the said Ass. holden at St Androus and Dundie. Mr Jho. Livistone was chosen moderator; they sat about 16 or 18 dayes. They resolved to continue the commission of the Ge. Ass. holden and appointed 1650, bot not the comission appointed 1651.

Dec.—Mr George Haliburntone and Mr Alex. Rooge, ministers of St Jhonstone, were silenced by the English garisone there, and discharged to preach, because, (as they alleadged), they preached up the Kings interest, notwithstanding of his defeate att Worcester.

## 1652.

July 25.—Some of the Gener. Major Deans regiment of foot, wha lay att Largo and Levin, (viz. 2 corporalls), did challenge Mr Ja. Magill, m. of Largo, (after he had ended sermon and said the blessing), before he eame foorth of the pulpitt, for praying for the prisoners in England, and saying that they did suffer for righteousness sake, they affirming they suffered for unrighteousnesse; bot after some words passed by them, he answered them he wold be forthcoming for what he had spoken before a competent judge, and in time and place convenient: for he did not acknowledge them, and so left off. Some dayes before this, they did beginne to quarter some of ther foot upon him and Mr Alex. Moncrieffe, m. of Sconie, (this being the first time that ministers quartered ether foot or horse in this slyre). Also, some of the English did pull downe the stooles of repentance in severall churches they came to, as in Kirkekaldie and Kennowhie; they did sitt also in them in some places, wher they came in time of sermon. More, they did challenge severall other ministers for praying for the king, and some other things, as Mr Colen Edem, m. of Enster, and Mr Geor. Hamilton, m. of Pitten-Weyme. Jul. 1652, some of Coll. Berries regim. took backe also some north country ministers that were going to the Generall Assemb. at Edenb. that sate 21 of this instant, under pretence they were ryding upon the Sabbath, and brought them to Cuper, and caused them pay 40 sh. Sterl. amonge them. When they came to the church of Largo, some of them did sitt ordinarlie (for contempt) in the stooles of repentance. May 24, 1653, the said Mr George Hamilton was badlie used att Pittenweyme (on a Tuesday), by some of Fairfax regiment of foot, so that he was forced to brake of his sermon, because he refused to ansuer them in publick; att which time ther was a great uproare in the church there; and after they came foorth, they affixed a peaper upon the crosse and every eminent place in the towne, tending to defame the said Mr George, calling him a ridiculous parson, not regarding what he said, and that they wold hold him so, till he made good his promise, which was to dispute with him.

Aug.—This yeare the Generall Assemblie of this kingdome satt att Edenbrough, where Mr David Dicke, professor of Divinitie att Edenbrough, was moderator. (It sat downe Jul. 21; it rose August the 5.) The ministers, for the most pairt, that did protest against the last Generall Assemb. at St Androus and Dundie 1651, did protest also against this as unlawfull, unfrie, and corrupt. About 65 hands of ministers did subscribe this protestation. In the first rowme was Mr Andro Cant, Mr Samuel Rutherford, Mr Robert Traill, Mr Ja. Guthrie, and Mr Patricke Gillespie, wha were deposed by the last Ass. did subscribe it also. More, about

80 laicks and others did put ther hands to it also; it was printed, as also the Ass. ansuer to it. This Ass. allowed the protesters a certaine time to come in and to passe from ther protestation, viz. to the 2 Wedensday of Novemb. 1652, otherwyse apointed synods and presbetries to proceide against them with the censurs of the kirk. They apointed Mr Andro Louthian and Mr Andro Piteairne for to goe to Caitnes. Also a fast to be keiped through the wholle land the 2 and 3 Sabaths of Sept.; also 3 acts for promoveing the knowledge of the grounds of salvation and observing the rules of discipline.

Sept.—A visitatione of the universitie (appointed by the English), satt att St Androus; the measters being called, did insinuate as much as that they were not fullie satisfied with ther power; they enquired for the names of the measters, which they receaved, and for the names of the students, which they did not receave, because not present. They gatt ther rental also, with a sight of the books of the foundation, as also an extract of the act of the universitie, appointing all that were graduat to subscribe the covenants. They desyred that no vaking place in the colledge be filled till they were acquainted. They lodged at James Suords house. They went from thence to Aberdeine, where they deposed Doctor Guilde, and established Mr Jhone Row, minister ther, principall of the colledge. (The said Mr Jhone, with Mr Menzies, not long before, had turned anabaptists, and did refuse to baptize infants att all.)

## 1653.

Feb.—Mr Patricke Gillespie, minister of Glasgowe, (bot deposed by the Generall Assemblie), was admitted by the English to be principall of the Colledge of Glasgowe. (A litell time before this, Mr Jhone Row, minister of Aberdeine, was admitted by the English to be principall of the Colledge of Aberdeine.)

Jul. 20.—The Generall Assemblie satt downe att Edenbrough, the which day Mr Robert Douglas and Mr David Dicke, both ministers of Edenbrough, did preach. After the sermons ended, they mett in the ordinary place of meitting, and after Mr David Dick, moderator for the time, had prayed, he began to call the rolle; in the meane time, ther comes in two Louetennant Collonells of the English forces, and desyred them to be silent, for they had some thing to spake to them: So one of the Louetennant-Collonells began to aske them by what authoritie they mett?—if by authoritie of the late parliament, or by authoritie of the commander of the forces in ehiefe, or if by the authoritie of ther late king? The moderator desyred that those that were not members of that Assemblie might remove, that so they might give a modest answer to these gentlemen. He desyred further, that all the names of the members of that Assemblie might be given him. The moderator replied that they could not give them, because ther names were not called; bot if he wold have a litell patience till they called the rolle, he sould have them. He answered, if it were not longesome he sould doe it. So the moderator beganne at the presbetrie of Argile, to examine ther comission; hire the English officer replied that that wold prove tedious, so that he could not waite upon it, bot desyred them to remove and to be gone; and, if they wold not, he had instructions what to doe. Upon this the moderator, in name of the Assemblie, protested that they were Christs court, and that any violence or injurie done to them might not hinder any meitting of thers when convenient occasion sould offer itselfe.



He desyred they might pray a word before they dissolved. The moderator beganne prayer, and after he had spoken 5 or 6 sentences, the English officer desyred them againe to be gone; notwithstanding, the moderator went on in prayer, bot was forced att lenth to breake of, so they arose and came forth. All this time ther was a company of English footmen in the kirke, waiting upon them, and a troupe of horsemen att the Port. After the ministers were come fourth, they were gairded on both hands up the way (by the said footmen), to the Whyhouse, where they were caried alonge to the Port, and from thence to the Quarrell-holls, where they made them to stand. The English required againe for all ther names; they said they were most willing, so they told all ther names. So the moderator protested againe att the said place. After ther names were wretten, they discharged them to meite againe, under the paine of being breakers of the peace; and that they might send for ther horses and be gone presentlie; for (said they) that they knewe they had ther horses in the towne. The moderator ansuered, that most of them had come from the other side of the water, with a purpose to stay a fourtnight, and for that cause had sent backe ther horses. Upon this, the English desyred them to goe backe to Edenbroughe and lodge ther all night, and to be gone before eght a cloke in the next day; and discharged that not above two of them sould be seine together, and that they sould send ther names and ther lodging place to the court of gaird that night. So upon the next day, they went away to ther severall homes, and did not meite any more att that deyet.

Sept. 12.—Mr George Hamiltone, Mr Collen Edem, Mr Robert Bennet, and Mr David Guthrie, all ministers of the presbetrie of St Androus, were caryed by some of the English forces of Collonell Berries regiment of horse to Edenbroughe prisoners, because the day before, being the Sabath, they had prayed for the King. They returned the 20 of Sept. upon condition either to returne to Edenbroughe within a fourtnight, and to give assurance to the judges that they sould not pray any more for the King, or else to expect sequestration.

Sept. 27.—The provinciaill assemblie of Fyfe satt att St Androus, where Mr Robert Blaire, minister of St Androus, was moderator. Mr Samuell Rutherford presented a peaper to the moderator, relating to the sinns of the ministrie, bot it was not accepted; upon the refusall of it some words passed betuixt Mr Samuell Rutherford and the said Mr Robert Blaire, anent the publicke busines. About the close of this meiting, two English officers came in to the place where they satt; the judicatory enquired if they had come in with a purpose to sitt and voice with them? they ansuered, not; bot onlie they were commanded to come in to heare and sie, and that they acted nothing in prejudice to the comonwealth. They ansuered that they had not so much as once nominated the comonwealth since they satt downe; and that they (meaning the English officers), were the first that spake of the comonwealth and not the assemblie. They appointed a visitation for Cuper and Creiche, and some brethren to corresponde with Angus and Stratherne.

1654.

Jan. 14.—Being Saturday, ther was a preparation sermon for a thanksgiving preached att Seonie, in Fyfe, for the continuance of the gossell in the land, and for the spreading of it in some places in the Hygh-lands in Scotland, where, in some families two, and in some families one, beganne to call on God

by prayer. Mr Samuel Rutherford, minister in St Androus, preached on Saterdag. . . . Observe, that on the Saturday, Mr Samuel Rutherford had this expression in his prayer, after sermou, desyring that the Lord wald rebuke presbtries, and others, that had taken the keyes and the power in ther hands, and keiped out and wold suffer none to enter (meaning in the ministrie), bot such as said as they said.

Apr. 4.—The provinciaill assemblie of Fyfe satt att St Androus, where Mr Patrick Scougall, minister of Louchars, in the presbetrie of St Androus, was moderator; they did not mutch; the meiting was adjourned for a fourtnight; they rose the 6 of Aprill. . . . They appointed a fast to be keiped by this shyre on the last Sabath of May, being the 28 day of the month; which was done accordinglie by many. The causes were left arbitrary for every minister in his owne congregation.

Dec. 3.—The fast (appointed by the provinciall of Fyfe, at Kirkekaldie, 1654), was intimat at Largo by Mr James Magill, minister, to be keiped the following Sabath at Largo, viz. the 10 of Dec.; the causes were not reade, onlie he named them: 1st was the contempt of the gossell and breach of covenant; 2d was the great burdens and pressors that lay upon persons in the land, both in body and spirit; 3d was the small proficiencie in knowledge under the meanes and ordinanees; the 4th was ane ordinance emitted by the Lord Proteetor Cromvell, and delivered to Mr Patricke Gillespie, when he was att London, this instant yeare, 1654, for the benefit of universities and preachers in Scotland: this being the titell of it; which, att on dash, did overthrowe the diseipline and government of the church of Scotland by sessions, presbtries, and assemblies. The forsaid Assemblie gave a testimonie against this ordnanee, which was appointed to be reade in sessions, and to be insert in the severall session bookes of the shyre of Fyfe.

1655.

Apr. 3.—The provinciaill assembly of Fyfe met att Kirkekaldie, wher Mr James Wood, minister of St Androus, was chosen moderator. This meiting was adjourned to the first Tuesday of July, at which time they appointed ther meiting att Cuper. Ther was no more done att this meiting, bot a moderatour chosen, and the assemblie adjourned. This was occasioned by ane order emitted by Gen. Moncke, comander in eliefe of the English forces in Scotland, discharging all publicke meittings; so that Major Davesone, with some other English officers, came in to ther meiting, and did shoue them that he was comanded to hinder them from meiting, or else to scatter them when they were mett; and after some conference betuixt the said Major Davisone and Mr James Sharpe, being moderator of the preceeding assembly, they dissolved, and mett no more att that time.

General Monke, Coll. Syler, and other English comissioners for universities in Scotland, (for so they desinge themselves,) emitted ane ordinance, bearing date Mar. 26, 1655, discharging all persons whatsoever to pray, in their publicke prayers or sermons, for the King, viz. Charl. the 2, as they wold not be censured as the comissioners thought fit; and withall discharged any to pay any maner of stipend to such ministers as sould transgresse hirein.

October.—This month the greatest pairt of the ministry in Scotland (if not all) left of to pray for the King in ther publicke prayers. May 1660, at his returne, they began againe to pray for him.



1652.

*Excerpts from "A Diary of Public Transactions and other Occurrences, chiefly in Scotland, from January 1650, to June 1667, by John Nicoll."*

4 Maii 1652.—Thair wes ane Synod Assemblie haldin at Edinburgh, quhairin thair wes much division among the ministrie, namelie, be ane sequestrat number in the Presbyterie of Lynlithgow, quha wer evir contentious; and quhairas in that Synod the proceedingis of the Generall Assemblie, haldin the yeir preceding, at Saint Androis and Dundie, wer ratified and approven by this Synod; yit a few of these within the Presbyterie of Lynlithgow did dissasent, and protestit aganes the lauchfulnes thair of, and urgit that thair dissasentis sould be registrat and recordit.

Besyde these, great errouris did creip into the church, and men war not aschamed to tak upone thame the function of the ministrie, without a lauchfull calling, and to preache, mary, and baptize, and offering publict disputes to mantene thair errouris. Witnes sindry Englishe trouperis quha oppinlie taught in the Parliament Hous. Lykewyse ane Mr [Alex<sup>r</sup>] Cornuell, minister at or besyde Lynlithgow, quha did mary pepill privilie, sum of the women haiffing husbandis on lyff, and sum of these men haiffing ane or twa wyffes, and baptized old pepill, for the quhilk he was under the sentence of excommunication.

21 Julij.—The Generall Assemblie met at Edinburgh, and sat down, continuing thair sitting till Thursday the fyft of August 1652, of quhilk Generall Assemblie, Maister David Dik was chosin moderator. At this Assemblie, much debait, contentioun, and division, evin by thame quho assumed to thame selfis the name of the Godlie pairtie; continuing, as of befor, to protest aganes the proceedingis of this Assemblie, as wes practized in the former Assemblie haldin at Santandrois and Dundie; putting in and out in the roll of the Godlie such as thai pleasit, not allowing ony to be of thair number quho wald not go along with thame in every thing, for that wes the marrow of the matter, being moir quick sighted then Elias, quho saw not one of the sevin thowsand quhome God haid reserved to himself; blowing up the fyre of contentioun; sending throw the cuntrie to draw of sum sevin or acht of the ministrie to joyne with thame, making this accompt, that gif thai could get fyve or sex of the moist eminent men af, they cared not for the rest of the ministrie; professing also at thair conference, and utheris of thame in an oppin Synod, that thai wald never unite with the maist pairt of the ministrie of Scotland; flinging filth upone the faces of thair bretherene; and much moir of this kynd.

Aganes these protestatiounes gevin in by the Dissenting bretherene, the Generall Assemblie emitted ane Answer, &c.

1653.

Weddiusday the 20 of Julij, the Generall Assemblie convenit at Edinburgh, quhair thair wes twa sermoundis, ane befor nune be Mr David Dik, the uther eftir nune be Mr Robert Douglas. Eftir both sermoundis, the Assemblie satt down in thair ordinare places of assemblie in the New Kirk of Edinburgh. Being placed, the Inglishe commanderis pat ane gaird to the dures of the Assemblie; and sum of the commanderis with the gaird enterit in the Assemblie hous, demandit by quhat autoritie thai did sitt, or quho gave them that autoritie, or gif thai haid thair power from the Parliament of England or Commounwelth. Mr David

Dik being Moderatour, desyrit that a lytill space mycht be grantit to the Assemblie that thai mycht give ansuer. The Commander causit double his gaird, and commandit thame presentlie to ryse and dissolve thair meitting, and committit sum of thame to the gaird; thaireftir careyit mony of thame af the toum to the Burrow Mure, quhair straitlie thai wer commandit to go af the toum upone thair heichest perrell gif thai sould dissobey.

The morne thaireftir, being Thursday the 21 of Julij, a proclamatioun ischued out, proclaimed at the Mercat Croce of Edinburgh, dischargeing all privat meetings of the ministrie, &c.

1654.

23 August, 1654.—Thair wes sum of the ministrie, callit Remonstratoris and Protestatoris, convenit in Sir Archibald Johnnestounes hous for ordoring sum of the Churches effaires, and censuring of sum of thair bretherene of the ministrie; quhilk being schawin to the Generall, they war dischargit, and commandit to dissolve thair meeting by ane Lievtenant Colonell Gaff, quha threatned thame gif thai sould sit ony langer, prohibitand thame to meit agane in such a manner as at that tyme they did, and that na twa of thame sould convene togidder in ony tyme thaireftir; quhilk command wes presentlie obeyit. It was alledgit, that the caus of thair meeting wes anent ane Commissioun, alledgit brocht down at this tyme with Mr Johne Meinzeis and Mr Patrik Gillespie, granted by the Lord Protector to ane certane number of the ministrie and reuling elderis, for purging of the ministrie of the Kirk, and to do all thinges necessar, as the Generall Assemblie. Quhilk Commissioun (as wes alledgit) these of this meeting resolvit not to obey nor countenance, nor yit to be memberis of that commissioun, bot rather to suffer then to acknowledge it; and the ressoun (as wes alledgit be thame) was, that it wes gevin out by ane civill Judge, and, as the common brute was among the pepill, ane unjust usurper.

*Excerpts from Principal Baillie's Letters.*

*The following supposed to be wrote to Mr Christopher Love, beheaded on Tower-Hill for corresponding with Argyle and Mr Baillie. Perth, Friday, December 20th, 1650.*

Reverend and Beloved Brother,

The letters of our friends there to Mr Douglas and to Mr Jameson, [i. e. Mr Baillie,] also two to the general assembly, the one of an old date, the other since the defeat at Duubar, came but lately to our hands. For fear of your hazard then, we thought it expedient to communicate them but to a few. At first were called together, the Lord Chancellor, the Marquis of Argyle, the Earls of Cassils and Lothian, with Mr Douglas, Mr Blair, Mr Jameson, and Mr Wood. One and all were very much refreshed and encouraged by the two publick most gracious and seasonable letters. The answer of them was remitted to the next meeting of the commission of the church the last of this month, where we purpose to make more publick use of these, if we shall then find it stand with your safety. In the mean time, Mr Jameson was appointed to give you some short account of affairs here, which be pleased to receive.

The whole eight days before the defeat at Dunbar, the Lord had so disposed, that, to the appre-



hension of most in both armies, a victory seemed to incline to our side; when, contrary to all appearance, the Lord, by our own negligence, had overthrown us. We have still lien under that stroke, not so much by any active prosecution of the enemy, as by the Lord's hand now upon us, our divisions. A stroug party in the north, whom we have excluded from our army for the late engagement, did put themselves in arms without publick order. It cost ns some time before we could quiet them. That danger was scarce over, when another party in the west, whom we have permitted to rise, and from whom we expected ready and happy service against the enemy, fell in ways of their own, to our great and long disturbance, which we suppose Cromwell long before this has caused priut. Very answers were given, both by the church and state, as you will read here in the copies subjoined: A while, notwithstanding, they pursued in their diverse way. The enemy fell on them, and put them to a total rout, whereby he enlarged his quarters now where he pleases be-south Forth. However our grief and shame for this defeat be great, yet the loss of men was much within 100, and the prisoners are not so many; and among neither, any men of note, but Col. Ker, who is a prisoner. Strachan, indeed, the author of all this mischief, had before folly betrayed his trust, and since has gone unto the enemy.

These mischiefs have laid us now lower in the dust before the Lord. Ou Sunday next, the 22d of December, we have a general humiliation, most for contempt of the gospel, the fountain of all our plagues. On Thursday thereafter, the 26th, we have another, for the sins of the King's family, old and late, which we fear may have influence in the Lord's controversy with us; yet for all this, we have not cast away our help and confidence in the Lord; but with more vigour than ever we purpose, with all possible diligence, to make use of all the remainder of our forces. The parliament the other week did call together the commission of the church, to be resolved how far it was lawful to employ, in this case of extreme necessity, these who, for some time, and while we had choice of men, were excluded from the service. The unanimous answer by them present you have here subjoined. By the blessing of God this may be a greater beginning of union among ourselves, and of a more happy acting against the enemy, than formerly. There are, indeed, some among us against the employing of these who before were excluded; but we hope that in a little time this shall change; so much the more, as in very few, in whom it is greatest, there yet appears the least inclination to comply with the enemy. And to guard the better against this evil, the church, the other day, passed the subsequent act, which the parliament is about to confirm, with a severe civil censure against all transgressors. After our foresaid applications to God on the 22d and 26th of this instant, we have appointed to crown our King, the 1st of January, at Seone, the ordinary place of our old coronations; and thereafter, so soon as we are able, to march with the strength of our nobility and gentry to Stirling, where it will be resolved, whether to go with the body of our army to England, leaving such a party here as to keep and guard the passes of Forth against the enemy; or, with the body of our army, to attend Cromwell here, and to send Massey to England with some thousand horse and dragoons. To the former the most part incline; but you with the next shall be acquainted with our conclusions. But, in the mean time, the necessity is apparent for the

extraordinary diligence of our friends there to procure to us their possible assistance in this our so necessary undertaking for the common safety. The particular way we are thinking on, I leave to another letter sent herewith, and to the instructions given to the bearer, C. B., whom we have found a faithful, wise, and diligent agent for your desires to us, and whom we hope shall be no less such for our desires to you. We have great need of your earnest intercession with the Lord of Hosts for his powerful concurrence with us in this our great extremity. Expecting this duty of love from you and our dear brethren, I add but this one word, that the brethren there would be careful, as we have been, and purpose still to be, to lay, at this their new beginning, such foundations for their army and parliament, that the leading men in both may be firm and zealous to preserve the covenant, and our former principles, entire without violation; also, if it shall seem good in the Lord's eyes to bless our mutual endeavours, that our friends there may be zealously conscientious, that what progress was made in the assembly of divines for the reformation of religion be not lost, but procured, until a final conclusion, and all be ratified by King and Parliament.

Your brother, and servant in the Lord,

JAMESON.

*The following letter [dated 2d January, 1651] was at first designed for Mr Dickson, but was enlarged and sent to Mr Spang.*

Reverend and Dear Brother,

I sent the inclosed to you by Mr R. Ramsay, thinking you would have been at the meetings of Stirling and Perth, whither I was resolved not to go, notwithstanding of many earnest intreaties to the contrary; yet, after the dissolving of the meeting at Stirling, I followed to Perth, upon sundry letters from Stirling to me for that effect. Your absence was not well taken by many; though I verily think your presence would not have had more influence on the remonstrants than that of Mess. Douglas, Blair, Cant, Rutherford, Durham, Wood, and others, who could in nothing prevail with them. Of the whole matter, as it comes in my mind, I will give you a simple account, but to yourself alone, and after to the fire; for as in all the meetings I was silent, and a mere spectator, except one forenoon, wherein I in some things declared my mind, so I would desire to meddle as little as may be with this unfortunate strife.

After the woful rout at Dunbar, in the first meeting at Stirling, it was openly and vehemently pressed to have David Lesly laid aside, as long before was designed, but covertly, by the chief purgers of the times. The man himself did as much press as any to have liberty to demit his charge, being covered with shame and discouragement for his late unhappiness, and irritated with Mr James Guthrie's publick invectives against him from the pulpit. The most of the committee of estates, and commission of the kirk, would have been content to let him go; but finding no man tolerably able to supply his place, and the greatest part of the remaining officers of horse and foot peremptory to lay down, if he continued not; and after all trials, finding no maladministration on him to count of, but the removal of the army from the hill the night before the rout, which yet was a consequence of the committee's order, contrary to his mind, to stop the enemy's retreat, and for that end to storm Broxmouth House as soon as possible. On these considerations, the state, unanimously, did with all earnestness intreat him to keep still his charge. Against



this order, my Lord Wariston, and, as I suppose, Sir John Cheesly, did enter their dissent. I am sure Mr James Guthrie did his, at which, as a great impertineney, many were offended. Col. Strachan offered to lay down his charge, being unwilling more to be commanded by D. Lesly. Some more inclined to do so; but all were quieted by this expedient.

Mr Patrick Gillespie, by his diligence with some brethren of the west, had procured a meeting at Kilmarnock, of some chief gentlemen and ministers of the sheriffdoms of Ayr, Clydesdale, Renfrew, and Galloway, where he persuaded them, for the present necessity, to raise a strength of horse and dragoons, as they had designed in their association, but far above the proportion of any bygone levy. This conclusion obtained, he persuaded next to put all under the command of four Colonels, the likeliest men to act speedily against the enemy, Ker, Strachan, Robin Halket, and Sir Robert Adair. They made their account to make up the old broken regiments of these four to the number of 4000, beside volunteers. With this voluntary offer, Mr Pat. Gillespie, Sir George Maxwell, and Glanderston, rode to Stirling. However many did smell, and fear the design of a division, yet the offer was so fair, and promises of present acting so great, that easily, even by the Chancellor and Mr Robert Douglas's procurement, they obtained an act of state for all their desires. By this they stopped all men's mouths, and forced them of Renfrew and Carriek to join with them. The committee of Renfrew seeing the vast expences of the enterprise, (for the first rigging out would amount to 500,000 pounds, [£41,666:13:4], and the daily charge to 4000 or 5000 lib. upon the shires foresaid), were generally averse from the motion. My Lord Cassils kept off Carriek; Galloway also did disrelish the matter; but the committee of Clydesdale, consisting of a few mean persons, who were totally led by Mr Patriek and Sir John Cheesly, being very forward; the committee of Kyle and Cunningham being persuaded by Mess. J. Nevo, Gabriel Maxwell, and a few more ministers, the act of state supervening, quashed all farther opposition. All of us in our pulpits, myself as much as others, did promote the work. In a very short time 3500 horse are got together, with hopes, by volunteers, to make them above 5000. We were all in expectation of ready and happy acting, by infalls on the enemy's quarters. But behold how all our hopes were soon most miserably blasted! Col. Strachan's scruples were not only about David Lesly's command; for in this his friends had procured him ample enough satisfaction, getting assurance, from the committee of state, that David Lesly should gladly permit the forces of the west to act apart, and never trouble them with any of his orders; but Strachan's scruples went much higher. Since the amendment of his once very lewd life, he inclined much in opinion towards the sectaries; and having joined with Cromwell at Preston against the engagers, had continued with them to the King's death. At that time, by Mr Blair, and our commissioners at London, he was somewhat altered; yet not so far as to join with us in covenant, till, by the great labours of Mr Ja. Guthrie and Mr P. Gillespie, his doubts were so far satisfied or smothered, that he was brought to content the commission of the church for that and divers other scandals against him: yet it seems that importunity has made him profess large as much compliance with us as his heart did yield to. His eminent service, first against Pluscardie, and then against Ja. Graham,

got him the church's extraordinary favour, to be helped with 100,000 merks out of their purses, for the mounting him a regiment; the greatest offering which ever our churchmen made at one time. This did not a little lift his spirit, and get him the far best regiment in the army. With the western recruit, it became stronger than any two regiments in the kingdom. At this time many of his old doubts revive upon him; which, by the knavery of his Captain-Lieutenant, Govan, and frequent messages of his late friends, Cromwell, and these about him, became so high, that though extraordinary pains were taken upon him, yet he would receive no satisfaction, so far as to act any thing against the enemy, except there might be a treaty. And it appeared therein, that Cromwell was not willing to retire, upon our assurance not to molest England on the King's quarrel, whom he professed to be so far fallen from all his right to England, that, for his wrongs to Scotland, he ought at least to be banished the land, or made a perpetual prisoner.

Strachan's axiom and debates put the whole army and committee of the west in such confusion and discouragement, that all acting against the enemy was impossible. But the matter stood not at this point. In our debates, at the time of the engagement, our publick professions were, of our clearness to fight against the English sectaries, for vindication of the covenant, and the King's just rights, on the parliament's grant to us of some few desires. Mess. J. Guthrie and Jo. Livingston their whisperings a little in the ear to the contrary, were not then audible. It was strange to me thereafter, when I heard Wariston and Mr Guthrie speak it out, that it would take a long debate to clear from the covenant, the lawfulness of an offensive war against Cromwell and his party; yet in a short time it appeared, that the quarrel of the King or covenant, or any quarrel tending to war with the English, became to divers more questionable than it wont to be. Whether a fear of the troubles of war, or a despair of conquering the King to the publick, or their own personal interests, or a desire to keep the government, not only in the form, but in the hands it was in, or truly judgement of mind, drew men to those changes of former professed principles, I cannot say; only a great deal of zeal was begun to be practised against all who did smell in any excess of favour towards the King. What strict acts of kirk and state were made against malignancy. What numbers were cast out of their charges in the church, state, and army. What bars were put to their re-admitting. You know too much pleading was for the justice of beheading the King, whatever fault was in the actors. Mr Guthrie and Mr Gillespie's debates were passionate against the proclaiming of the King, till his qualifications for government had first been tried and allowed. You may remember the labour was taken to hinder the addresses to the King; and how like it was to have prevailed, had not the reason, authority, and diligence of Argyle, overswayed it; and, for all that could be said, the voting of Mess. Guthrie, Gillespie, Hutcheson, and Durham, that no commissioner should be sent till a change in the King should appear; and when it was carried to send commissioners, I will not forget the great study of some to make their instructions so rigid, that few had any hope the King would ever assent to them; and when, above hope, the King had yielded to all the commissioners had required, the industry of these same men to get new instructions posted away to Holland, which, had they come thither before the King's imbarcking, were expected by all should have



ruined the treaty. Yet when, by the extraordinary favour of God, the King was brought into Scotland, to do what either kirk or state had required; and, upon this agreeance, the noise of Cromwell's march towards us was grown loud, Sir John Cheesly, Hopeton, and Swinton, kept off, by their debates in parliament, the raising of our army so long, that we were near surprised; and when our army was got together at Leith, the same men helped, by their continual cross-debates, to keep all in confusion. Their strange affronting of the King at Leith; the putting of him to a new declaration; and, when he stuck but at some hard expressions, concerning the persons of his father and mother; their procuring from the kirk and state that terrible act of disclaiming his interest of the 13th of August; that same night, without the kirk's knowledge, printed it, and sent it to Cromwell with a trumpet. All these things bred jealousies in the observers, what the intentions of some men might be; yet all was dissembled, till after the defeat at Dunbar these intentions broke out in their actions. So soon as they saw it probable that they were to have a force to be ruled by themselves alone, it became their work to have that army so great, and the other at Stirling so small, as they were able.

Then, in these meetings with Mr Gillespie, where Sir John Cheesly and some three or four burgesses did meet oft and long, propositions of a strange and high nature were in hand, as Robert Lockhart, who sometimes was present, did show to Argyle and others. The first vent of their motions was at the provincial synod in Glasgow, where Mr Patrick, Mr Hutcheson, Ker, Strachan and others, with much night-waking, brought forth that strange remonstrance of the synod, where Mr Patrick, obtaining a committee to consider the sins procuring the wrath of God on the land, did put such men on it as he liked best, and by them the framing of the draught was put upon himself, who quickly begat that pretty piece which I sent you. It doubtless had been the subject of more discourse, had it not been drowned in the subsequent more absurd one on the same head in the name of the army; for at the very first, it fell on the face of the general assembly and parliament, and condemns both for their first treating with the King, and for the renewing of it in a second address; but most for closing of it without evidence of his real change. Then these most bitter invectives against the state, for which Mr Patrick had used so high language with you and Mr Douglas, in face of the commission, at length are all brought in, with large additions, to any thing was then heard. I have oft of late regretted to see the judicatories of the church so easily led to whatever some few of our busy men designed, but never more than in the particular in hand. I am sure the most of that writ was without the knowledge of the most, and against the sense of many, of the brethren. Yet all was voted, *nemine contradicente*, except honest Mr W. Russel, Mr R. Ramsay, and Mr Jo. Bell, spoke a little to some words, but on the matter let all go. Fearing what was in hand, I could speak but little. The night before I expected nothing more should have been pressed but a keeping out engagers from the army. I loved not to appear in contradiction to some violent men; yet my heart being against their conclusion, I was, after much soliciting and prayer, brought to a necessity of contradicting, and had thought on some reasons for that point to have been mainly proponed for my dissent; although I doubt not but my impatience and canker had broken out, if I had heard, which I had never dreamed

of, their invectives against the treaties; but the Lord, in a very sensible way to me, carried it so, that neither the synod was troubled with me, nor the peace of my mind by them. I once inclined to absent myself, and had indeed gone out, but behoved to return, not daring to take that course; but behold, when I was ready to go to the synod at that diet when the remonstrance came in, my Lord Cassils sent his man to call me to speak with him at his lodging. While we are a little serious about sundry of the publick affairs, I found that more time had gone than either of us had observed, and telling him that my absence from the synod might be mistaken, I took my leave, and with all haste I got up to the church; where I found, at my entry, that all the debates on that paper were closed, and after thrice reading, it was going to the vote. I adored divine providence, who truly beside my purpose, but much to my content, had given me a fair occasion to say nothing of a writ, whereof I never heard a line read. This, for the time, and since, was a satisfactory ground for my silence, to my own mind, in that remonstrance which brought to the consenters, let be the contrivers, but small credit; the commission of the church having so far disavowed it, as for no request they could be induced to countenance it towards the committee of estates; but Mr Patrick behoved to present it himself, without the company of any from that meeting, which would have made a noise, had not the second remonstrance filled the ears of the whole kingdom with a louder sound.

Mr R. Ramsay and others had pressed that for removing of jealousies from many who were then speaking their doubts of some mens intentions, that the officers of the army should put forth a declaration of their designs. To me the motion savoured not. Since the raising of these forces were allowed by the states, all declarations from particular officers seemed needless; yet, on the synod's motion to Colonel Ker, a declaration by him and his fellows was promised, and presently gone about by Mr Patrick and the chief associates then present. But, as Mr Patrick told us, it was laid aside by the advice sent them by Wariston from Stirling, and Mr Jaues Guthrie, betwixt whom and them the posts then and thereafter ran very thick night and day, not so much on that ground, he told us, that they thought it illegal for such private persons to make publick manifestoes, as for that, as I suspect, which he told us not.

About this time, the King's head was filled by some unhappy men about him, especially Dr Fraser and Henry Seymonr, with many extreme fears. After the affront at Leith, they had raised suspicions in his mind, which, upon the defeat at Duubar, were increased, but, by the separate rising in the west, brought near to the head of a design to break the treaty with him, and agree upon his expenses with Cromwell. Upon these motions, the malignants in the north stepped in, and, by the forenamed persons, began a correspondence for the raising of the north for his present service, under the conduct of Middleton. So many noblemen were on this unhappy enterprise. Crawford was given out for its head and contriver, albeit he professed to me his opposition to it. Lauderdale knew of it; but he has said so far to me, that I believe him he opposed it to his power. However, the thing was so foolishly laid, and the King, by the counsels of these about him, was so various in giving order for that rising, sometimes commanding and then countermanding to rise, that all the party was put in a confusion; yet, by the information of these foresaid fools, the King



being put in fear, that Lorn, going timely to bury a soldier, was drawing together his regiment to lay hands on him, contrary to his former resolutions; he took horse with some two or three, as if it had been to go a kawking, but crossed Tay, and stayed not till he came to Clowe in Angus. By the way he repented of the journey, and meeting with Lauderdale at Diddup, and Balcarras coming from Dundee by accident, was almost persuaded by them to return; yet, by Diddup and Buchan he was kept in Clowe. But when he came to that miserably-accommodated house, and in place of the great promised forces, he saw nothing but a small company of highlanders, he presently sent for Robert Montgomery, who was near with his regiment, and without more ado, did willingly return, exceedingly confounded and dejected for that ill-advised start. When it was first blazed abroad, it filled all good men with great grief, and to my own heart it brought one of the most sensible sorrows that in all my life I had felt. Yet his quick return of his own accord, and his readiness to give all satisfaction for that failure, and his kind receiving by the committee of states, among whom he ever sat after his return, (though never before), turned our grief suddenly into joy, his absence not lasting above two full days. Yet all men were not so soon satisfied.

Sundry of them who had been on the plot, fearing a discovery and punishment, flew to arms; Lewis Gordon, Ogilvie, Athol, and others, under Middleton's command, putting out a number of fair pretexts for their rising. This might have destroyed all; yet, by God's mercy, all was quickly quieted. D. Leslie, with all his horse, marched towards them; the King wrote earnestly to them to lay down. The committee of estates sent a fair act of indemnity, and so without more ado they went home. Mr James Guthrie had well near marred this peace; he moved Middleton's summar excommunication. Mr R. Douglas, and most number present, were against it; yet Mr James and Mr Patrick, by two or three votes of elders, obtained it. And though the committee of estates, by an earnest letter, intreated Mr James to delay a little the execution, yet on the next sabbath he executed the sentence to the regret of many.

When the northern storm was ended, the western winds began to blow the louder. I told their declaration was kept in by advice from Stirling, as many thought, to make vantage of the new failings at court; for these were looked on with a greedy eye, and exaggerated to the height of truth. When, with a great deal of expenses and trouble, our forces in the west were levied, and present action against Cromwell promised and expected, their very first march is to Dumfries, the farthest place they were able to chuse from the enemy's quarters. The pretence was to attend the motion of the enemy coming from Carlisle; but when the party which went from Edinburgh to fight them, neither in the going nor coming, was looked upon, nor any good at all done by that long march, but the hazarding the country, and the spoiling of a number of noblemen and gentlemen of their saddle-horse, and lying still at Glasgow, while Cromwell took up Glasgow. This made it visible they had some other thing in hand than to mind the enemy. By their earnest mis-sives they had brought Wariston from Stirling to Dumfries. There, after some debate, the draught of the remonstrance is brought to some perfection, you see. It seems one main end of both remonstrances was to satisfy Strachan, and for that end they came up well near to his full length about the King and the state, the malignants and England.

For in this last paper they are clear in condemning the treaty as sinful, and notwithstanding of it to suspend the King's government till he should give satisfactory evidence of his real change, whereof they were to be judges, who were never like to be satisfied, although they were never like to be troubled with the judging of these signs; for the King who had started away upon the suspicion of these things, upon the sight of them in an army-remonstrance, was not like to stay: so on this escape the government of the kingdom, and the distribution of the royal rent in new pensions, all the former being void, fell in our own hand; and if the king should have ventured to stay, then an effectual course was moved to be taken with him to keep him from joining with malignants, which could not be but by a strong guard or imprisonment; albeit this was needless, if the course against malignants had been taken to put them out of all capacity to hurt the people and cause of God; for this could not be but by executing, forfaiting, and imprisoning of the chief of them, as we thought fit.

As for our present state, so many and gross faults were pressed against Argyle, the Chancellor, Lothian, Balcarras, and others, that in all reason they behoved to be laid aside, and our state modelled of new; so that no active nobleman should have any hand therein; and as for England, they might rest secure of our armies, not only till church and state should agree on the lawfulness and expediency of that war was found, but also a clear call from England should appear; and if we could not mar the one, and Cromwell the other, yet we behoved to move nothing of bringing this King to England, whom we had found unmeet to govern Scotland, and though thereafter he should change never so much to the better, yet it was injustice for us to meddle with a kingdom not subordinate to us. Thus far the remonstrance went on, and closed with a solemn engagement on all their hearts, if God blessed their armies, to see all these things performed. I have oft marvelled that Strachan remained dissatisfied for all this; for I verily think, whatever he or Cromwell could have desired in Scotland, would easily have followed upon the former premises.

While these things are a-doing at Dumfries, Cromwell, with the whole body of his army and cannon, comes peaceably by the way of Kilsyth to Glasgow. The magistrates and ministers fled all away. I got to the isle of Cumray, with my Lady Montgomery, but left all my family and goods to Cromwell's courtesy, which indeed was great; for he took such a course with his soldiers, that they did less displeasure at Glasgow than if they had been at London, though Mr Zachary Boyd railed on them all to their very face in the High Church. I took this extraordinary favour, from their coming alone to gain the people, and to please Strachan, with whom he was then keeping correspondence, and by whom he had great hopes to draw over the western army, at least to a cessation with him; as indeed he brought them by his means to be altogether useless; though, on a report of their march towards Edinburgh, he left the west in a great suddenly and demi-disorder.

So soon as the remonstrance was perfected, and all present at Dumfries professed their assent to it, except Strachan, conceiving it to be too low for his meridian, Mr Patrick and Mr John Stirling, with some of the gentlemen, went along with it to Stirling, and Wariston in their company. The commission of the kirk refused to meddle with it; only Mr Robert Douglas wrote to the presbyteries to send to the next meeting at Stirling, with their com-



missioners of the church, some more of their number, of greatest experience and wisdom, to advise in matters of great importance. The committee of estates, by Wariston's means, at their first presenting, put no affront upon it; but what was a very dangerous error, gave too good words to the earriers; and, to allure them to action against the enemy, increased their forces, by joining with them the dragoons of Niddisdale and the Lennox; and overseeing also the feathers which they had drawn out of the Stirling's wing, the putting them in hopes to get the Stirling's nest, which made them march quickly west to Partick, in order to Stirling, thinking that Lesly and Middleton should have been in others flesh in the north: but to their open discontent, the northern storm being composed, and D. Lesly returned to Stirling, they turned their heads another way.

When, after my return to Glasgow, I saw their remonstrance, and Cromwell's letter thereupon, on the occasion of Strachan's queries, requiring a treaty, which at that same time he sent his prisoners, Mr Jaffray and Mr Carstairs, to agent, I was sore grieved, but knew not how to help it; only I sent the copies of all, with express bearers to Argyle and you at Inverary, and to the Chancellor at Perth, and Mr James Ferguson at Kilwinning, with my best advice to you all, and resolved myself to keep the next meeting of the commission on the call of their letter, to declare my dissent, if I could do no more. But behold, the next presbytery-day, when I am absent, Mr Patrick causes read again the commission's letter, and had led it so, that by the elders votes, the men of greatest experience and wisdom of our presbytery were the two youngest we had, Mr Hugh Binning and Mr Andrew Morton. Then when it was pressed that I might be but added to them, it was, by a vote, refused, upon supposition it was needless, being clear I would doubtless go howsoever. These spiteful votes wrought so on my mind when I heard of them, that I resolved not to go, for all that could be said to me by many of the brethren; yet the clerk of the commission, at the moderator's direction, writing a pressing letter to me from Stirling, I went along to Perth; where, by God's good providence, I have staid since for many good purposes.

At the meeting of Stirling, there was a conference appointed of the chief members of the committee of estates, and commissioners of the church, on the remonstrance; wherein there were many high words about it betwixt Wariston and Mr R. Douglas, Mr R. Ramsay and Mr P. Gillespie, Mr James Wood and Mr James Guthrie, and others. No appearance there was of any issue. The time of parliament at Perth drawing near, the King, by his letter, invited the meeting of church and state to Perth. The desire of many was but to have some agreement before, if no other way were possible, as none appeared, that the remonstrance might be laid aside, and much of the matter of it be pressed in an orderly way by the commission of the kirk, and the forces of the west be joined with these at Stirling; since, for so long a time, they had acted nothing apart, and never like to act any thing for any purpose alone. The remonstrants were averse from these motions; so all was laid aside till they came to Perth: at which time a new conference was appointed, and four whole days kept in Argyle's chamber. I then, and thereafter, was witness to all, and little more than a witness; for not being a commissioner, I thought meet to be silent. For the one side, Mr Patrick and Wariston spoke most; for the other, Argyle, the Chancellor, the Advocate,

and Mr Douglas: but Mr Wood spoke most, and to best purpose. Mr Rutherford and Mr Durlam said some little for sundry points of the remonstrance. Mr James Guthrie, most ingenuously and freely, vented his mind; for the principal point, (as he avowed he had oft before maintained), "That the close of our treaty was a sin, to promise any power to the King before he had evidenced the change of his principles; and the continuing that power in his hand was sinful till that change did appear;" though it was visible, that every day the kingdom languished under these debates, which impeded all action. There was no remedy. By no persuasion the remonstrance could be taken up; yea, the gentlemen gave in a petition to the estates at Perth, in the presence of the King, urging the answer thereof; from which petition they would not pass: yea, when they were most earnestly dealt with to conjoin their forces, all that could be obtained, both by publick and divers private entreaties of their best friends, Argyle and others, there was a willingness to join on two conditions: The first was, an express laying aside of the King's quarrel in the state of the question; the other, to keep none in the army of Stirling but according to the qualifications in the act of parliament. When in these two all of the gentlemen and officers were found peremptory, the conference on Friday, the fourth day of it, was broken off as fruitless; though for their satisfaction, the parliament had been shifted from the Wednesday to the Friday, and from the Friday to the Tuesday again, for all the issue of blood, and starving, that was every day visible over the kingdom. Before the meeting, the remonstrants had a solemn meeting at Glasgow, by Mr Patrick's call, where, the subscribing of the remonstrance was much pressed on the great committee of gentlemen and officers, by the ministers, who sat apart in the tolbooth, and called themselves the presbytery of the western army. That subscription was generally declined, and by no persuasion any more could be obtained, nor a warrant, subscribed by Crosbie, the president of the committee, to some few commissioners, to present the remonstrance to the state. Mr Robert Ramsay, sore against my mind, offered, in his own and my name, once and again, to come and debate in their presence, with the brethren, the injustice of that remonstrance. This offer was told them in the committee. All the answer it got was, that no man was excluded to come and propound what they pleased. Upon such entertainment we let them alone. Here it was where Strachan, before having laid down his charge, was commanded to go no more to the regiment; but he told them expressly, he could not obey. Some would have been at laying him fast, for fear of his going to the enemy; but lest that Ker and many more should thereby have been provoked, they let him alone. Govan, for his known correspondence with the enemy, was cashiered, and their scout-master Dundass also. Sundry of the officers were suspected to be of Strachan's principles, albeit the most went not beyond the remonstrance.

When the conference was broken off, the Committee of state went about their answer to the petitioners, and there began debate. The most found the matter high treason; the divesting the King of his authority; the breaking of the treaty approved by kirk and state; the slandering highly of the judicatories; and engaging of private men to change the government. The deepness of these crimes troubled the judges; the respect the most of them had to the persons guilty, moving them to go far lower than the writ's deserving, and all of



them being resolved to make no more of it than was in the committee's power to pardon; they went therefore no higher in the censure than you have in the sentence; from which yet near fifteen dissented for one or other word, though all professed their disallowance of the writ. This dissent was in the King's presence. If he had been absent, as some would have persuaded him, the dissenting might have been greater; for Wariston was very long and passionate in his exhortation to wave it simply, which had been very unhandsome, since the parties peremptorily refused to take it up. At the sentence, the gentlemen stormed, but the ministers much more. It came next to the commission of the church. The states had given in their sense to them, and required the kirk's judgement. Here came the vehement opposition. The remonstrants petitioned to have the present consideration thereof laid aside, lest the parties should be discouraged to act against the enemy. Mr Rutherford pressed this with much more passion than reason, and Mr Guthrie also. Here it was where I spoke but so much as declared my sense against the thing. Much dealing was still to take it up. Mess. Cant, Blair, Rutherford, and Durham, were sent to persuade them; but Mr Patrick was peremptory to shew their willingness to quit their life rather than their testimony. So when there was no remedy, at last, by Mr Douglas and Mr James Wood's industry most, it came to that mild sentence which you see here subscribed. With it the parties were highly offended, and entered their loud protestation. Mr Blair came in the hinder end. He and you, by your letters, had signified your judgement much averse from the remonstrance; which in a scolding way was cried out by Mr John Nevo in Mr Blair's face: to which he replied nothing. Mr David Bennet and Mr Hugh Peebles expressed themselves bitterly, and were answered accordingly by others. Our Provost, George, spoke in his protestation of something like sealing the remonstrance with his blood. All of them went out of town highly discontent; though as little occasion was given them as possibly could be, either by church, or state, or any person. I thought the separation exceeding unhappy, both to our west country and to the whole kingdom, but remediless, God giving over the chief misleaders, who had oppressed, to my grief, many others, to follow their own sense in that which the rest of us thought a high and dangerous sin.

Mr Patrick and Mr James Guthrie, where-ever they came, uttered their passion. I heard one who had married Mr Patrick's sister's daughter, report to Mr Douglas, that Mr Hugh Binning, with Mr Patrick, in Kirkaldy, had spoke like a distracted man, saying to Mr Douglas's own wife, and the young man himself, and his mother-in-law, Mr Patrick's sister, "That the commission of the kirk would approve nothing that was right; that a hypocrite ought not to reign over us; that we ought to treat with Cromwell, and give him security not to trouble England with a King; and whoever marred this treaty, the blood of the slain in this quarrel should be on their heads!" Strange words, if true. Always behold the fearful consequence of that pride of stomach. The state sent Col. Robert Montgomery west, to join the best part of the horse they had with the western forces, or any part of them that would join with him. For this end, he spoke with the commissioners of the west, at Stirling, who had been at Perth; but they shewed great averseness at any such junction. He wrote also to Ker for this effect, and marched to-

wards Glasgow. On the Sunday at night he came to Campsie; but on the Saturday, Ker, with all his forces, lying at Carnunock, resolves to prevent Col. Robert's approach, and by themselves to make an infall on the English before day.

Our intelligence was, that the English at Hamilton were but 1200; but Lambert lay there, with above 3000 of their best horse. They called ours above 1,500; but some double the number: for of all their forces, there was not above four or five of Strachan's troops away. Some speak of treachery; for Govan, for all his cashiering, was re-admitted by Ker on fair promises. Strachan was not far off. It is certain when, at four o'clock in the morning, December 1, our men came to set on, the enemy were ready to receive them, having sounded to horse half an hour before, as it were for a march to Glasgow. All speak of a great rashness, as in an anger, or what else, to cast away these forces. Lieut.-Col. Ralston, with a small party of horse, entered Hamilton, and most gallantly carried all before him, killed sundry; some spoke of hundreds, other are within scores; however, he cleared the town of the enemy. Col. Ker, with fewer than 200, seconded him well; but at the end of the town, where the body of the English drew up again in the field at the back of a ditch, when Ker saw it not easy to pass, he retired a little, which they behind took for a flight, and all turned their backs; yea, the whole rest fled apart; not one would stay. The English pursued as far as Paisley and Kilmarnock that day; yet very few were killed. Some say, scarce twenty; not above eighty prisoners, whereof Col. Ker made one; as some say, deadly, as others, slightly wounded. Argyle said to me, he might have escaped if he would. The next day, 200 or 300, who rallied in Kyle, by Strachan's persuasion disbanded; and himself, as fearing to be taken by us, went in to Cromwell, with Swinton, whose first work was, to agent the rendering the castle of Edinburgh, with their dear comrade young Dundass, who most basely, and, as yet it is taken, treacherously, gave over that most considerable strength of our kingdom. But of this more certainly afterwards.

The miscarriage of affairs in the west by a few unhappy men, put us all under the foot of the enemy. They presently ran over all the country, without any stop, destroying cattle and corn, putting Glasgow and all others under grievous contributions. This makes me yet to stick at Perth, not daring to go where the enemy is master, as now he is of all Scotland beyond Forth, [i. e. besouth Forth,] not so much by his own virtue as our vices. The loss of the west, the magazine of our best forces, put the state presently to new thoughts. We had long many debates about employing malignants in our armies. Some were of opinion that the acts of church and state were unjust, and for particular ends, from the beginning. All agreed, that common soldiers, after satisfaction to the church, might be taken in; but as for officers, noblemen and gentlemen volunteers, that we were not to take them in at all, at least not without an eminent degree of evident repentance. The most thought they might be employed as soldiers, on their admittance by the church to the sacrament and covenant. As for places of counsell and trust, that this was to be left to the state's discretion. However, when the case was clearly altered, and now there was no choice of men, the parliament wrote to Mr Robert Douglas to call the commission extraordinary. A quorum was got, most of these of Fife. The question was proposed, of the lawfulness of employing such who



before were excluded. The question was alledged to be altered from that which Mr Gillespie writes of, and that whereto Mr Guthrie had solemnly engaged, a defence of our lives and country, in extreme necessity, against sectarians and strangers, who had twice been victors. My heart was in great perplexity for this question. I was much in prayer to God, and in some action with men, for a concord in it. The parliament was necessitated to employ more than before, or give over their defence. Mr Samuel Rutherford and Mr James Guthrie wrote peremptory letters to the old way, on all hazards. Mr Douglass and Mr D. Dick had of a long time been in my sense, that in the war against invading strangers, our former strictness had been unadvised and unjust. Mr Blair and Mr Durham were a little ambiguous, which I much feared should have divided the commission; and likely had done so, if with the loss of the west, the absence of all the brethren of the west had not concurred. However, we carried unanimously at last the answer herewith sent to you. My joy for this was soon tempered when I saw the consequence, the loathing of sundry good people to see numbers of grievous bloodshedders ready to come in, and so many malignant noblemen as were not like to lay down arms till they were put into some places of trust, and restored to their vote in parliament. Against this necessity for our very being, and hope that the guides of our state would, by their wisdom and virtue, and adherence of the church and good men, get kept what they had of authority, the Chancellor oft remembering us, that in this there was a great alteration of the case, that the King being now in covenant, the most whose malignancy stood in their following the King against the covenant, were no more to be counted malignants, the fountain of that evil being stopped in them, there was just ground why that blot and name of distinction in that respect should be now abolished. Another inconvenience was like to trouble us, a seed of Hyper-Brounism, which had been secretly sown in the minds of sundry of the soldiers, that it was unlawful to join in arms with such and such men, and so that they were necessitated to make a civil separation from such, for fear of sin, and cursing of their enterprises. The main fomenters of these doubts seemed not at all to be led by conscience, but by interest; for the officers of our standing army, since the defeat at Dunbar, being sent to recruit the regiments in the northern shires, little increased that number, but taking large money for men, and yet exacted quarters for men which were not; this vexed the country, and disappointed the service. The officers, by the new levies, thought it easy to be recruited at their pleasure; but an act passing, that the new levies should not recruit the old regiments, they stormed, and gladly would have blasted the new way for their own ends. Under these evils we wrestle as yet, but hope for a good end of these divisions also. In the mean time Cromwell is daily expected to march towards Stirling to mar the coronation, which, sore against my heart, was delayed to the first of January, on pretence of keeping a fast for the sins of the King's family on Thursday next. We mourned on Monday last for the contempt of the gospel, according to Mr Dickson's motion, branched out by Mr Wood. Also you see in the printed papers, upon other particulars the commission at Stirling, which appointed these fasts, could not agree. The remonstrants pressed to have sundry sins acknowledged which others denied, and would not now permit them to set down as they would what causes of fast they

liked. Surely we had never more need of mourning, be the causes, what God knows, visible or invisible, confessed or denied, seen or unseen, by all but the most guilty. It cannot be denied but our miseries and dangers of ruin are greater than for many ages have been; a potent victorious enemy master of our seas, and for some good time of the best part of our land; our standing forces against this his imminent invasion, few, weak, inconsiderable; our kirk, state, army, full of divisions and jealousies; the body of our people besouth Forth spoiled, and near starving; the be-north Forth extremely ill-used by a handful of our own; many inclining to treat and agree with Cromwell, without care either of King or covenant; none of our neighbours called upon by us, or willing to give us any help, though called. What the end of all shall be, the Lord knows. Many are ready to faint with discouragement and despair; yet divers are waiting on the Lord, expecting he will help us in our great extremity against our most unjust oppressors.

This day we have done that what I earnestly desired, and long expected, crowned our noble King with all the solemnities at Scone, so peaceably and magnificently as if no enemy had been among us. This is of God: for it was Cromwell's purpose, which I thought easily he might have performed, to have marred by arms that action, at least the solemnity of it. The remonstrants, with all their power, would have opposed it: others prolonged it so long as they were able. Always, blessed be God, it is this day celebrated with great joy and contentment to all honest-hearted men here. Mr Douglas, from 2 Kings, xi. Joash's coronation, had a very pertinent, wise, and good sermon. The King swore the covenant, the league and covenant, the coronation-oath. When Argyle put on the crown, Mr Douglas prayed well; when the Chancellor set him on the throne, he exhorted well; when all were ended, he, with great earnestness pressed sincerity and constancy in the covenant on the King, relating at length King James's breach of the covenant, pursued yet against the family, from Neh. v. 13. God's casting the King out of his lap, and the 34th of Jeremiah, many plagues on him if he did not sincerely keep the oaths now taken. He closed all with a prayer, and the 20th psalm.

Dundas and Major Abernethy have most basely delivered the castle of Edinburgh to Cromwell. All the ministers saw the treachery, and protested against it. Wariston, Sir John Cheesly, and the Provost of Edinburgh, who put them in that trust, contrary to the minds of others, have little credit by it.

Now the parliament having, by the needless length of some, sat so long, ended their session on Monday after twelve at night. None of the remonstrants are on the committee of estates. Wariston, with great difficulty, was got on. All diligence will now be used to get up an army. The Lord be with us. Our greatest danger will be from famine. Now get victuals to starving Ireland. It were an happy benefit if your Hollanders would bring us in victual for money. The Spaniard, nor any other, could never, by their persuasion nor force, hinder them to trade where-ever they find gain. Is not this a strange slavery now, our love to the English murderers, that they for their pleasure should give over all trade with us their brethren and well-deserving friends? Though we should never be able to revenge their ingratitude, yet there is a God who will see to it. Our ease will be exceeding hard if, before the summer, your Zealanders, on piety and pity, be not moved to bring us victuals for all the



money we have resting ; though it may be the Lord may be pleased to open some other door which yet is not visible to us.

*Perth, January 2, 1651.*

P. S.—I think to-morrow we shall give order to excommunicate Strachan, and relax Middleton the next sabbath. By the coming of some, all engaging officers and noblemen were all purged out of our army, but now I think all of them, without any considerable exception, are received. On this necessary conclusion, some turbulent men are like to be factious ; but to-morrow a warning is to be put out for their reclaiming if possible. By God's blessing, our affairs shortly may be in a better posture. Our great troublers, both in church and state, have set themselves aside. If God give us over to Cromwell, we expect little good from these men but a violent executing of all in their remonstrance ; but otherwise I think they may be brought quickly to repent their needless quarrelling. However, the Lord's will be done, who has begun to comfort us with the smallest appearance of better hopes.

*To Mr Calamy, Minister at London.*

*Glasgow, July 27, 1653.*

At this time I have no more to add, but this one word, to let you know, That on the 20th of July last, when our general assembly was set in the ordinary time and place, Lieutenant-Colonel Cottrell beset the church with some rattes of musqueteers and a troop of horse. Himself (after our fast, wherein Mr Dickson and Mr Douglas had two graecious sermons) entered the assembly house ; and, immediately after Mr Dickson the Moderator his prayer, required audience ; wherein he inquired, If we did sit there by the authority of the parliament of the commonwealth of England ? or of the commanders in chief of the English forces ? or of the English judges in Scotland ? The Moderator replied, That we were an ecclesiastick synod, an spiritual court of Jesus Christ, which meddled not with any thing civil ; that our authority was from God, and established by the laws of the land yet standing unrepealed ; that by the Solemn League and Covenant, the most of the English army stood obliged to defend our general assembly. When some speeches of this kind had passed, the Lieutenant-Colonel told us, his order was, to dissolve us. Whereupon he commanded all of us to follow him ; else he would drag us out of the room. When we had entered a protestation of this unheard-of and unexampled violence, we did rise, and follow him. He led us all through the whole streets a mile out of the town, encompassing us with foot-companies of musqueteers, and horsemen without ; all the people gazing and mourning as at the saddest spectacle they had ever seen. When he had led us a mile without the town, he then declared what farther he had in commission, That we should not dare to meet any more above three in number ; and that against eight o'clock to morrow, we should depart the town, under pain of being guilty of breaking the public peace : And the day following, by sound of trumpet, we were commanded off the town, under the pain of present imprisonment. Thus our general assembly, the glory and strength of our church upon earth, is by your soldiery crushed and trod under foot, without the least provocation from us, at this time, either in word or deed. For this our hearts are sad, our eyes run down with water, we sigh to God against whom we have sinned, and wait for the help of his hand ; but from those who oppressed us we deserved no evil. We hear a noise

of further orders, to discharge all our synods and presbyteries, and all prayer for our King. Many the most moderate reckon such orders will make havock of our church, and raise against many the best men we have, a sore persecution ; which, God willing, we purpose to endure with all patience and faith, giving just offence to none.

I detain you no more. The Lord mind his Zion in these lands, and bless you, who for the time stand in the most eminent pinnacle thereof. Thus rests, your Brother to serve you,

ROBERT BAILLIE.

*To Mr William Spang. July 19, 1654.*

As for our church affairs, thus they stand. The parliament of England had given to the English judges and sequestrators a very ample commission to put out and in ministers as they saw cause, to plant and displant our universities. According to this power, they put Mr John Row in Aberdeen, Mr Robert Leighton in Edinburgh, Mr Patrick Gillespie in Glasgow, and Mr Samuel Colvill they offered to the Old College of St Andrew's. This last is yet held off ; but the other three act as Principals. All our colleges are quickly like to be undone. Our churches are in great confusion. No intrant gets any stipend till he have petitioned and subscribed some acknowledgement to the English. When a very few of the remonstrants and Independent party will call a man, he gets the kirk and the stipend ; but whom the presbytery, and well near the whole congregation, calls and admits, he must preach in the fields, or in a barn, without stipend. So a sectary is planted in Kilbride, another in Lenzie, [or Kirkintilloch,] and this guyse will grow rife, to the wrack of many a soul.

We thought at the general assembly to have got some course for this ; but Colonel Lilburn, the commander in chief, gave orders to soldiers to break our assembly before it was constituted, to the exceeding great grief of all, except the remonstrants, who insulted upon it ; the English violence having trusted with their protestation against it. Since that time we have had no meeting for the whole church, not so much as for counsel, though the remonstrants have met oft, and are like to set up a commission and assembly of their own for very ill purposes. They are most bitter against those who adhere to their covenant in the matter of the King and assembly. They are as bent as ever to purge the church. To punish men truly deserving censure, we are as willing as they ; but their purging is, for common, a very injurious oppression. Sundry of them fall openly to the English errors, both of church and state, and many more are near to that evil ; yet Lord Wariston, Mr James Guthrie, and others, still profess their great aversion to the English way : however, their great aversion to the King, and of the late assemblies, and their zeal to make up the church and army, and places of trust, only of the godly party, (that is, their own confidants,) make them dear and precious men to the English, do or say what they will, and their opposites but rascally malignants. This makes them exceeding bold, knowing of their back ; and were it not for a few more moderate men among them, they, before this, would have played strange pranks. However, they are going on pretty fast. Their wracking of the congregation of Lenzie, and dividing of the presbytery of Glasgow, their doing the like in the congregation and presbytery of Linlithgow, you heard long ago ; also what they have done in Bathgate, and sundry parts of the south. I will only give some account of their last dealings.



From their meeting in Edinburgh they were instructed to have monthly fasts and communions. They excluded more than the half of these who were ordinarily admitted. Six or seven ministers, leaving their own congregations desolate, were about the action. Numbers of strangers flocked to these meetings. At their fasts, four or five ministers of their best preachers in the bounds exercised from morning to even. The great design of this was evidently but to increase their party; whereof yet in most places they missed. Always the word went, that they purposed to put up committees, for purging and planting everywhere as they thought fit. I was so charitable as not to suspect them of any such purpose, when the land was full of confusion and danger; yet I found myself disappointed; for at our synod, the moderator's sermon ran on the necessity of taking up the too-long neglected work of purging. The man's vehemency in this, and in his prayer, a strange kind of sighing, the like whereof I had never heard, as a pythionising out of the belly of a second person, made me amazed. To prevent this foolish and cruel enterprise, we pressed, in the entry of the synod, that in these times of confusion we might be assured of peace till the next synod, as we had been in the three former synods. We intimated our great willingness to cast out of the ministry all whom we conceived either unfit for weakness, or scandalous: but a synod so divided in judgment as we were, we conceived very unfit for any such work. When we found our desire flatly refused, and perceived a clear design to set up presently their tyrannous committees, we, as we had resolved beforehand, and were advised by the ministry of Edinburgh, and others of our mind, required them, that our synod might be rightly constitute; that ministers censured by the general assembly, and elders notoriously opposite to the last three general assemblies, might have no voice. When this was flatly refused, we shewed we were necessitated to sit by ourselves, and leave them in their separation from the general assembly and church of Scotland. When, by all we could say, nothing could be obtained, all of us who adhered to the general assembly went to the Blackfriars, and there kept the synod, leaving our protestation with them. Some brethren travelled all the next day for an union. We offered it gladly, on condition that they would be content for this time of the land's trouble and danger, to leave all meddling with things controverted, or else to constitute according to the act of the general assembly. When neither could be obtained, (as you may see in the paper of mediation,) we constituted ourselves in a synod by an act; and when we had appointed a fast, we closed, to meet at Irvine the next diet. To our absent brethren we sent a letter, and an information of our proceedings to the neighbouring synods of Lothian, Galloway, Argyle; also Fife, Perth, and the Merse.

The remonstrants chose Mr William Guthrie for their moderator, and one James Porter, a devoted servant of their party, for clerk; named a committee of their most forward men to go immediately to Lanerk, to purge and plant as they found cause; sent two of their gentlemen, Sir George Maxwell and Walkingshaw, with the help of their good friend Bogs, and Commissary Lockhart. Mr Somerville, and Mr Jack, and, when they prevailed not, two of their ministers, Mr William Somerville, and Mr William Jack, went to the Governor of Glasgow, Col. Couper, for a troop of horse to guard them at Lanerk and Douglas. Some of them, to their power, fomented a very

injurious scandal on Mr Robert Hume, whom we had made minister at Crawfordjohn contrary to their mind; their committee laboured to their power to try that their own invention, but failed therein. There is an old man, Mr John Veitch, minister of Robertson, they sent two or three ministers of their number to hear him preach. On their report, they pronounced a sentence of deposition on him as insufficient. But their chief work was at Douglas. The noblemen, gentlemen, whole heritors, people, and session, unanimously had called Mr Archibald Inglis, a very good and able youth, to his father's place. They stirred up some of the elders, who subscribed a call to the young man, to desire his trials might be before the united presbytery, and not before our part of it, from which the remonstrants had separated. This motion they so fomented, that these few elders, with a very few of the people, were moved by them, contrary to all the congregation, to give a call to a silly young man, a mere stranger, from Fife, one Mr Francis Kidd, who had never been heard nor seen in the bounds. This man they bring to the kirk on the Sunday. When the people refused to let him or them enter, he preached on a brae side to some strangers and a few of the people of Douglas, and even these run away from hearing of him, except a very few of them. Sermon ended, they sent one to read an edict at the church door, who refused to give a copy of what he read. Without more ado, on Monday morning, they passed all his trials in one hour, and came to the church of Douglas in the afternoon to give him imposition of hands. The body of the people and heritors hindered their coming into the church and churchyard; whereupon they sent once and again for their English guard. By all their importunity they could get none of the troop to countenance them, except twelve, with the lieutenant. By the power of their sword, as was avowed on all hands, on a brae side, without preaching, they admitted him minister of Douglas: An abominable example, generally much abhorred, which shews what we may expect from that party. Our Synod appointed some to join with the true presbytery of Lanerk, which met the week thereafter; tried, with all accuracy possible, what could be found in the scandal of Mr Hume; found nothing but malice of some parties, fomented by ministers; with the unanimous consent of the people of Robertson, strengthened the minister, and appointed a helper to be settled there in an orderly way; admitted to the church of Douglas Mr Archibald Inglis, after all trials duly performed, with the blessings and tears of the congregation. Possibly they will procure an order from the English, that the stipend and church shall go to Mr Kidd and his twelve or sixteen followers, and Mr Inglis shall be tolerated, with much ado, to preach to the whole congregation, Marquis of Douglas, Earl of Angus, whole heritors and people, in the fields, or a barn, without a sixpence of stipend.

In this glass see our condition. It is so in sundry congregations already, and like to be so in many more; not so much through the violence of the English, as the unreasonable headiness of the remonstrants, which for the time is remediless; and we, for fear of worse from their very evil humour, give way to permit them to plant divers churches as they like best. This formed schism is very bitter to us, but remediless, except on intolerable conditions, which no wise orthodox divine will advise us to accept: We must embrace without contradiction, and let grow, the principles of the remonstrants, which all Reformed divines, and all states



in the whole world abhor; we must permit a few heady men to waste our church with our consent or connivance; we must let them frame our people to the Sectarian model; a few more forward ones joined among themselves by privy meetings to be the godly party, and the congregation, the rest, to be the rascally malignant multitude: so that the body of our people are to be cast out of all churches; and the few who are countenanced, are fitted, as sundry of them already have done, to embrace the errors of the time for their destruction. Against these abominations we strive so much, and so wisely, as we can. Mr R. Douglas, Mr Dickson, and others, have yet got Edinburgh right. The faction which Mr Robert Traill and Mr John Stirling have there is inconsiderable. Mr R. Blair and Mr J. Wood keep St Andrew's and Fife pretty right. Mr Rutherford, to the uttermost of his power, advances the other party. Mr John Robertson and Mr William Rate get Angus and Dundee right: but the naturally heady men of Aberdeen are come to the full design too soon; yet the body of the people and country are right. In this Mr J. Guthrie in Stirling comes but small speed: albeit his confident, Sir William Bruce of Stenhouse, be made the English sheriff in Linlithgowshire, they have used great violence, imprisoned their chief opposite Mr John Waugh, forced a silly man into the ministry of Linlithgow, and another on Bathgate, contrary to all the synod of Lothian could do; yet the body of the people there is flat against them. Their greatest prevalency is with us in Glasgow, which comes much more by Mr James Durham's professed neutrality, but real joining with most of the other's designs, and Mr John Carstairs's zeal, than any thing that Mr Patrick Gillespie had done, or could do, by himself. This is the pitiful condition of our church, which is but going on from evil to worse till the Lord remeid it.

As for our state, this is its case. Our nobility are well near all wrecked. Dukes Hamilton, the one executed, the other slain; their estate forfeited; one part of it gifted to English soldiers; the rest will not pay the debt; little left to the heretrix; almost the whole name undone with debt. Huntly executed; his sons all dead but the youngest; there is more debt on the House than the land can pay. Lennox is living as a man buried in his house of Cobham. Douglas and his son Angus are quiet men, of no respect. Argyle, almost drowned in debt, in friendship with the English, but in hatred with the country. He courts the remonstrants, who were and are averse from him. Chancellor Loudon lives like an outlaw about Athol; his lands comprised for debt, under a general very great disgrace. Marischal, Rothes, Eglinton and his three sons, Crawford, Lauderdale, and others, prisoners in England; and their lands all either sequestered or forefaulted, and gifted to English soldiers. Balmerino suddenly dead, and his son, for publick debt, comprisings, and captions, keeps not the causey. Wariston, having refunded much of what he got for places, lives privily in a hard enough condition, much hated by the most, and neglected by all, except the remonstrants, to whom he is guide. Our criminal judicatories are all in the hands of the English; our civil courts also; only some of the remonstrants are adjoined with them. In the session are Craighall, and his brother Hopeton, Mr A. Pearson, Southall, Col. Lockhart, and Swinton. The only clerks to the session are Mr John Spreul and William Downie. The commissariat and sheriff courts are all in the hands of English soldiers, with the adjunction in some places of some few re-

monstrants. Strong garrisons in Leith, Edinburgh town and castle, Glasgow, Air, and Dumbarton, Stirling, Linlithgow, Perth, Dundee, Burntisland, Dunnotter, Aberdeen, Inverness, Inverary, Dunstaffnage, &c.

Of a long time no man in the whole isle did mute. All were lulled up in a lethargic fear and despair; only the other year, Glencairn and Balcarras, understanding of an order to apprehend them as corresponding with the King, retired to the hills of Athol. Kenmure having escaped from England, when his house was burnt and his rents seized upon, got to the Lennox with a few horse. Lorn being but coarsely used by his father, joined with Kenmure. To these sundry did associate, Glengary, Athol, Seaforth, not so much to do any thing against the English, as to make some noise of a party, to encourage the King's friends abroad to send him supplies of men, arms, and money. At once a great animosity did rise in every shire of the land. Very many young gentlemen made bold with all the serviceable horses they could find about them, and notwithstanding of all the diligence the English could use to prevent, great numbers came safe to the hills. The war with Holland, and rumour of great help from over seas, did increase daily both the number and courage of this party.

But behold inward division doth hazard all at the very beginning. The irreconcilable discord betwixt Argyle and Hamilton had undone the isle, and almost both the families. Glencairn, Hamilton's cousin, did much mistrust and slight Lorn. Ralston, and the remonstrant gentlemen of Kintyre, seemed ready to arm for the English, against the King's party. Lorn and Kenmure, with the men they had raised, went to Kintyre to suppress these. They, on hope of the English assistance from Ayr, fortified the castle of Lochhead. But when neither Argyle nor the English appear in their defence, they render the house to Lorn's discretion. Kenmure thinking the besieged better used by Lorn than they deserved, fell in a discontent, and went from Lorn to Glencairn with many complaints. Balcarras also unwilling to have Glencairn above him, and conceiving it was best for the advancing of the King's affairs, that till the King himself, or one of the authority from him, should come, the party should be ruled by a committee without any supreme officer, and that all admitted to councils and command in the army should declare for the Solemn League and Covenant. For these ends he dealt with Lorn, Seaforth, and Athol, till Glencairn produced a commission under the King's hand to be general, till himself or some from him should come to take the command. This unexpected commission put all to a submissive silence, but increased heartburnings. Lorn professing all firmness to the King and cause, was not willing to take orders from Glencairn, till he knew more particularly the King's pleasure. For this end, he Balcarras, and others, wrote to the King their discontent with Glencairn's command. These letters were intercepted, and brought to Glencairn; whereupon he gave order to Glengary to apprehend Lorn to answer for his sedition. Lorn hardly enough escaped Glengary's pursuit. Balcarras retired; and, a little after, with his lady, went disguised through England to the King. Notwithstanding of all these pitiful and shameful debates, Glencairn's party still increased, and his conduct became considerable. The whole highlands, isles, and much of the north, and numbers from the lowlands, were come unto him; so it was thought, at Middleton's coming, he had here and there 8000 or 9000 foot, and 2000 or 3000 horse,



of very stout and resolute men as ever we had on the fields, the most of them old soldiers. But at Middleton's coming, when neither the King, nor his brother, nor any foreign forces did appear, the hearts of many began to doubt; and when, after his coming, some months, notwithstanding of all the reiterated promises, no foreign assistance at all did come; but on the contrary, the Holland peace was proclaimed; the treaty of the Protector with Sweden went on; the French ambassador at London was solemnly received, as the Spanish and Portugal had been; all human hope began much to fail, especially after Monk's coming down as general, the proclamation of the Protector, the act of union, and the ordinance of grace, which forfeited and deeply fined so many, and subjected the whole privileges of the nation to the Protector and his council's pleasure, with the abolition of royalty, the whole branches of the family-royal, and all Scots parliaments and conventions of estates; the taking of Kinnoul, Lieutenant-Colonels Heriot, Wishart, Forsyth, and sundry more of our Scotsmen, unhappily: all these were so hard presages, that the most gave all the King's affairs for gone, and many thought that the King, whether through their weakness, or the treachery of the few counsellors about him, or the cross aspect of all Europe towards him, had so far disappointed the expectation of his friends, that while he lived he was not like to get such a party for his service in Scotland.

So for the time the case of our land is most sad. Monk, by sea and land, is to beset Glencairn and his party, and with much severity to crush them, and for their sakes to lie more heavily on the whole subjected country, beginning with the best of the ministers; who, after mutual advice, find themselves in conscience necessitated to keep the King still in their public prayers. They have been very careful to give the English no other offence at all; for in all this northland rising, to my best knowledge, there is no minister in Scotland who has had the least hand or any meddling. However, for this our great treason of naming the King in our public prayers, (as we conceive our duty, covenant, and directory of worship do require, as you will see in the papers herewith sent you), we are like to suffer heavy things. For all this our eyes are towards the Lord. We expect protection from him; and if so he think meet, we are willing to seal our testimony, in faith and humble modesty, with all the sufferings which the injustice of men may be permitted of our heavenly Father to impose upon us.

Being called the other week to confer with the brethren of Edinburgh, I was comforted to find all that met, fully in my sense about prayer for the King, and affairs of our divided synod, divided presbytery, troubled college, and all else we spoke of. But it was a sad sight to see the general affliction at the proclamation of the Protector, of the act of union, the act of forfaultry and deep sinning of so many, the preparations of Monk by sea and land presently to swallow up the northern party, destitute of all hope of the oft-promised foreign supplies, as common fame surmised. As our miseries, (without a kingdom wholly, without any judicatories to count of of our own, without a church well near), are great; so we expect they shall increase, and the next heavy dint shall fall on the chief of the ministry. At once it will not be safe to have any audible complaints of these things either to God or man.

*Postscript, July 20, 1654.*

While I waited long for a bearer, I add further, our triumviri, Mess. Livingston, Gillespie, and

Menzies, staid long at London without much access to the Protector. He thought it good to write for Mess. Douglas, Blair, and Guthrie. Mr Blair excused his health. Mr Guthrie, by a fair letter, declared his peremptoriness not to go. Mr Douglas, by Monk's friendly letter, got himself also excused. On their not coming, Mr Livingston got leave to return, and is at home. Mr G. and Mr M. are expected. The business of the plot gave not the Protector much leisure for auditing of them. Only we fear that our church shall be east under such a committee as now guides all ecclesiastical affairs in England, absolutely as the Protector thinks fit, the most whereof are Anabaptists, Independents, and gentlemen of no ecclesiastical relation. We thank God that persecution on the ministry is not yet begun, except what the remonstrants draw from the English on some few. Mr John Waugh and Mr Robert Knox were long prisoners for naming the King in their prayers; yet now they are at their liberty, and at their charges, to our great joy.

As to our anti-synod, after the pranks in Lanerk they met synodically very frequent at Glasgow, fell on a committee for purging all the presbyteries. I alone went up to them, intreated them with many fair words to delay any such work, and for that end gave them in a large paper, which a very gracious and wise brother, somewhat a mid-man betwixt us, had drawn for that end, which I send to you, that from it you may more fully learn our present temper. All this labour procured little; for notwithstanding they proceeded in their work, and appointed their purging and planting committees; but with this proviso, that they should have, at their next meeting, a conference with any I pleased of my mind before they proceeded. Against their day I had our part of the synod met, and full information of the brethren of Edinburgh and others for our proceeding. We presently set up a purging and planting committee as well as they, and of these we appointed a number to confer with them. With much ado we got them to stay till the first of August, upon a new conference: against that day Mr James Ferguson drew up a paper of his overtures for our reunion, and I drew up another. You have both here. What the issue shall be you may hear afterward; only these things lie heavier on my heart than any man's else I know, for usually at the times of these comfortless janglings, I am sick and distempered with grief and discontent, though every one of them gives me more respect than to any other; yet for the remediless breach I am heavily oft troubled in my own mind, which I use to pour out before God, and get them courage and strength to go on, and bear the burden.

General Monk went to the fields in the beginning of June, thinking and professing that the discussing of the northern Tories would cost him but a few weeks labour; and we indeed expected no other; for the English in men, horse, money, and all things they could desire, had the clear advantage: yet we cannot hear of any great progress he has made. So soon as Glencairn had rendered his commission to Middleton; on a jar between Monro and Glengary, Glencairn speaking for Glengary, got a challenge from Monro; which he answered, and beat Monro, to his great commendation. This affront, not so much resented by Middleton as need had been, together with the King's too much neglect, as some say, in his late commissions, of Glencairn's very great services, upon the information, as it is thought, of Lorn and Balearras, he left Middleton, and came with a small party to the Lennox. The noise of



this malecontentment exceedingly discouraged many; but at once Glencairn carried it so, that all this discouragement was quickly changed; for with the small party he had, he defended the pass of Aberfoyle so well against Monk's frequent assaults, and sent out, for good purpose, so many small parties to Clydesdale, Renfrew, Cunningham, Kyle, Carrick, and Galloway, as retarded a while Monk's march to the north; and when he went north, notwithstanding of all the garrisons, and beside them one full regiment of foot and another of horse, left at Glasgow and Kilsyth, the party sent out from Glencairn, ran up and down the whole country, and did what they liked, without great impediment. Monk found his march to the north very troublesome. The people carried all out of his way; stragglers were snapped up; the hills made sundry both horse and men sicken and die. It was oft printed, that Morgan had Middleton so enclosed in Sutherland, that he could not escape to the south; yet when Middleton thought it time, he divided his men in parties, and passed by, with ease, both Morgan and Monk, coming to Perthshire and Argyle, notwithstanding all they could do to impede him. Colonel Brian's regiment from Ireland, landing in Lochaber, was lighted on by the country-people, and near 100 of them slain: for this Monk did cause burn all the lands of Lochaber, Glengary, and Seaforth, as he came through. Glenorchy had been too great an intelligencer to the English, and sided with Argyle against Lorn his son: so Middleton caused burn much of his land. This burning, now begun on both hands, may ruin the whole country. It is thought the English have their full of the highland hunting, and that the flux is fallen among them, which make them speak already of quartering. It seems Middleton minds no fighting in any body, but shifts till he see what time may bring forth. The country every where suffers much; yet is patient, for they see no remedy; also the victual all this year, is at 4 lb. the boll, a greater appearance of the continuance of this greater plenty, than has been seen in our days.

That you may know the way of planting our churches, have this late practice. Mr John Galbraith of Bothkennar was deposed for tippling and other faults, some three or four years ago. When Mr James Guthrie continued to preach in Stirling, after his deposition by the general assembly, Mr Galbraith followed his example, and returned to his pulpit. His people loved him better than Stirling

did the other. Of the presbytery of Stirling, Mr James Simpson, of Airth, likewise deposed, and Mr Jo. Hogg, of Larber, adhered to Mr Guthrie, and these three made one presbytery. Mr R. Wright and other two or three adhering to the assembly, made themselves another presbytery. Mr George Bennet and other two were neutrals, and abstained from both. Mr Guthrie began a process of excommunication against Mr Galbraith; but he boasted so fast to excommunicate Mr James if he proceeded against him, that this was left off. Mr James professes to have no meddling with the English at all, and to be much averse from all compliance with them, yea to mislike Mr P. Gillespie's way; yet Sir William Bruce of Stonchouse, his special and intimate friend to this day, has taken the sheriffship of Stirling from the English, and continues ruling elder in Mr James's presbytery. By his means an order is procured from the English, that Mr John Galbraith shall give over preaching. This he is forced to obey. The whole parish gives an unanimous call to Mr William Galbraith, a good young man; but an order comes from the English to hinder his plantation; and the whole parish's supplication oft presented to the English, could not get it helped; for the judges are fully for the remonstrants, though General Monk seems to dislike them. Thereafter one Mr John Blair, never heard nor seen by the parish, is named by Mr Guthrie's presbytery to be minister of that kirk; for that people having adhered to a deposed minister must be counted malignant, and so lose their right to call, and the right of calling must fall in the hands of the presbytery; so an order is procured by the presbytery's ruling elder, Sir William Bruce, from the English, to admit that Blair. Mr Ja. Guthrie causes convene a great number of this faction from divers parishes about, and gets Mr Robert Traill from Edinburgh, and Mr John Carstairs from Glasgow, and others to spend a day in preaching and prayer at his admission. The whole people of the parish meet, and keep the other out of the kirk; the tumult begins; dry strokes are distributed; some fell upon the sheriff's neck. The gentlemen-parishioners, so soon as the sheriff produced his English orders for the admission, ceded; but the people continued all day casting stones and crying: yet they went on with their work, and thrust in the man. For all this, Mr Guthrie has no dealing with the English, and does no wrong. Our oppression is great and crying.



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